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Ever made a spaniel stop chewing  
legs?

## Reflected Glory

By Joseph Fort Newton

Charles Lamb, in one of his essays, tells of a man with whom he worked as a clerk for whose wife and himself life was only made possible by one fact, and even that fact was uncertain and dim.

In some devious way, which Lamb was never able to understand, much less explain, the wife traced her descent to "the illustrious but unfortunate house of Derwentwater," and on that fact they lived.

"This," he goes on to say, "was the solitary star of the lives of Thomas Tame and his wife." He was poor, obscure, dense of mind, dull of life, but the descent of his wife made him very proud and happy.

It was a remote fact, if fact at all, by any sort of heraldic certainty. But no matter; it served him instead of riches, instead of rank, instead of glittering attainments, and was worth them together.

Years ago, while studying the life of Lincoln, a friend sent me to see a quaint, kindly, talkative old man, thinking that some facts of interest and value might be gleaned from his reminiscences.

But no. All that anyone ever learned from the dear old soul was that he was a cousin of Lincoln—a third or fourth cousin, as best one could make out, though it took time and skill to pin him down.

Nor did he speak of Lincoln as the President, but as "my cousin," and he managed to bring in the relationship again and again, as he returned from wandering in a haze of utterly unreliable gossip.

A friend of mine spent a weekend in a tiny English village, the chief family of which had a remote ancestor who was taken prisoner by Joan of Arc; and the fact reflected glory on the entire village.

Such is the desire in human beings for glory, even if it be only a reflected glory, for some distinction to lift them out of the blur and set them apart, though it be the distinction of someone else.

It is petty and pathetic, this grasping after a glint of glory, but all of us share it more than we are willing to admit—some secret pride, some crumb of vanity which makes us less of a cipher.

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MEMORIES  
OF  
59647  
WESTMINSTER HALL

A COLLECTION OF  
INTERESTING INCIDENTS, ANECDOTES AND HISTORICAL SKETCHES  
RELATING TO WESTMINSTER HALL, ITS FAMOUS JUDGES  
AND LAWYERS AND ITS GREAT TRIALS,

WITH AN  
HISTORICAL INTRODUCTION

BY  
EDWARD FOSS, F. R. S.,  
AUTHOR OF "THE LIVES OF THE JUDGES OF ENGLAND," ETC.

VOL. I.



BOSTON:  
ESTES & LAURIAT,  
143 WASHINGTON STREET.  
1874.

Entered, according to the Act of Congress, in the year 1874,  
By JAMES COCKCROFT,  
In the Office of the Librarian of Congress, at Washington.



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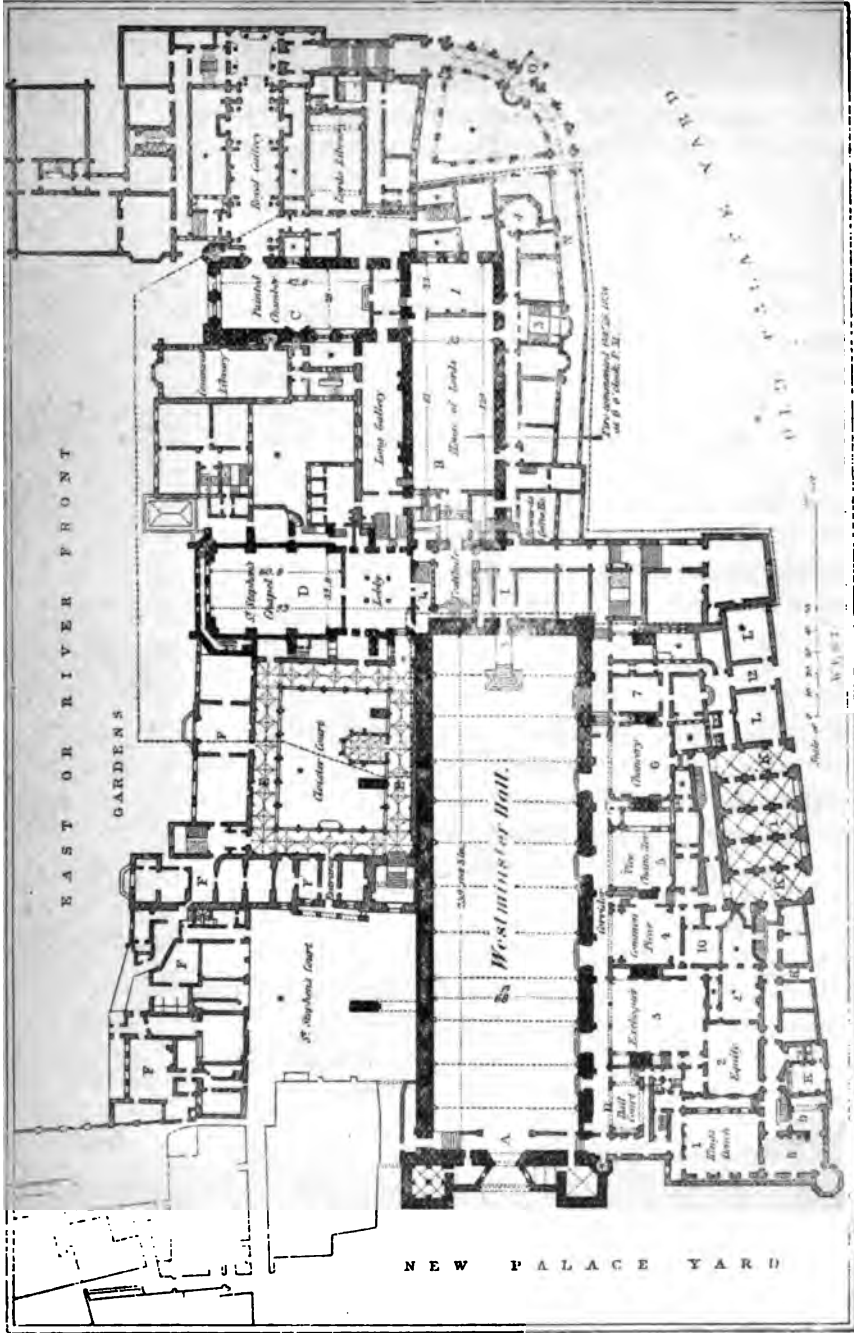
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PLAN OF WESTMINSTER HALL AND SURROUNDING BUILDINGS.

**AAA.** The Great Hall. **B.** The Old Court of Requests. **C.** The Painted Chamber. **D.** St. Stephen's Chapel (the House of Commons before the Fire). **E.** The Speaker's House. **KK.** The Judges' Entrances. **1.** Court of King's Bench. **2.** Court of King's Bench. **3.** Court of Chancery. **4.** Court of Exchequer. **5.** Court of Common Pleas. **6.** Court of Common Pleas. **7.** Lord Chancellor's Vestibule. **8.** Lord Chancellor's Vestibule. **9.** Lord Chancellor's Vestibule. **10.** Lord Chancellor's Vestibule. **11.** Lord Chancellor's Vestibule. **12.** Lord Chancellor's Vestibule. **13.** Lord Chancellor's Vestibule. **14.** Lord Chancellor's Vestibule.

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LEGAL HISTORY  
OF  
WESTMINSTER HALL.

BY EDWARD FOSS, F.S.A.

THE original edifice can boast of an antiquity of between seven hundred and eight hundred years, having been erected in the reign of William II., as an appendage to the palace of Westminster. Besides the royal ceremonies and festivities, to which it was at first applied, we may naturally suppose, from its size and convenience, that it was also used as the place for discussing and deciding those great questions in which the Crown was concerned, and also the minor differences always arising between subject and subject. At that time, and for a long period afterwards, such questions were tried before the "king himself," and the barons and prelates of the realm, in what was called the "Aula Regia," or "Curia Regis," a court which accompanied the king wherever he went, but which had its principal seat in the palace of Westminster. Henry II., a hundred years after, is said to have attended personally in his court, and to have made frequent progresses to discover the abuses in the rural jurisdictions. In more recent times, also, we have some instances of our kings

exercising this prerogative. After the lapse of three hundred years we have evidence that King Edward IV. sat three days together in the King's Bench, and was present at a trial for rape. James I. is the last instance on record. That conceited monarch was not satisfied with sitting on the Bench to hear how justice was administered, but even claimed to exercise judicial power. On Sir Edward Coke calmly telling him that it was not competent for him to decide questions of law, he said that "he thought the law was founded on reason, and that he had reason as well as the judges." Whereupon Coke was obliged to represent to him, "that his Majesty was not learned in the law, which was the meteward and measure to try the causes of his subjects, and which protected his Majesty in safety and peace." The king on this was greatly irate, and exclaimed, "that then he should be *under* the law, which was treason to affirm." Whereupon Coke closed the amusing discussion by the following quotation from Bracton: "*Quod rex non debet esse sub homine, sed sub Deo et lege.*"

At the time of the Conquest, and long after, there were three special periods at which the kings held their courts, or, as it was called, "wore their crowns," with extraordinary solemnity, not only for the consideration of national affairs, but also for the transaction of legal business. These were at Christmas, Easter, and Whitsuntide; answering to our present law terms of Hilary, Easter, and Trinity;—Michaelmas Term having been added at a subsequent period. It is a curious illustration of the antiquity of the Terms that at the Court

held at Christmas, 1096, a judgment was pronounced against William, Earl of Eu, for a treasonable conspiracy, on the very day on which Hilary Term, according to the Constitutions of Edward the Confessor confirmed by William the Conqueror, then began.

There is no positive evidence of any of these trials taking place in Westminster Hall during the reign of its founder, William II., nor in those of his two successors; but in the records of the reigns of Henry II., Richard I., and John, the expressions "my Court at Westminster," and "my barons and justices," are of frequent occurrence.

A great change took place under the last-mentioned monarch. King John, when in England, was in the habit of making frequent progresses through the kingdom, and of holding his Court in a multiplicity of places, to the great inconvenience and expense of the suitors, who were obliged to follow him, in order that their causes might be tried. By a clause in Magna Charta, dated June 15, 1215, this intolerable grievance was abated. That clause declared that "Common Pleas shall not follow the Court, but shall be held in some certain place;" and though no place is mentioned in the Charter for their future holding, there is no doubt that Westminster Hall was the "certain place" intended. It has been the arena where common pleas have ever since been usually decided, though there are some instances in the reign of Edward III. of this Court being held at York. So strict, however, was the interpretation put upon the words "certain place" by

one of our judges, that he resisted the removal of the Court from the original place in Westminster Hall to a more convenient part of the same building.

King John's concession was, no doubt, the precursor of other changes by which the Aula Regia was ultimately abolished, and the present arrangement of the Courts of Chancery, King's Bench, and Exchequer, as well as the Common Pleas, established, with separate judges appointed to preside over each Court.

The precise time at which this division of the courts was effected has been the subject of controversy, into which it is not our present purpose to enter. It is enough to say that at the end of the following reign of Henry III. the office of Chief Justice no longer existed, and that a Chief Justice and puisne judges were appointed for the Courts of King's Bench and Common Pleas. In the Court of Exchequer, though there were regular barons, the office of Chief Baron was not instituted till the reign of Edward II.

About the beginning of this century, there were only twelve judges in the three courts of Common Law. This number was deemed one of peculiar sanctity, and it was considered a sort of sacrilege to suggest any increase, as if that had been the number ever since the institution. And yet that number had only been the regular staff of the Courts from the reign of Edward VI. (1547); and it had been entirely forgotten that in all the previous reigns the number of judges had constantly varied, sometimes extending to nine in one court, eight in another, and six or five in a third; and

sometimes being reduced to three, and even to two. James I., indeed, added one judge to the four judges then acting in each of the Courts, but the increase was discontinued before the end of the reign ; and from that time till the reign of William IV. (except during the Commonwealth) the number of judges continued to be twelve. But, in 1830, the accumulation of business was at last met by an additional judge in each court, and ever since that date the Common Law Bench has consisted of fifteen judges.

Among other proofs that the courts met in Westminster Hall in the reign of Edward I., we have an order of that king that William de Brewes, a serjeant-at-law, who had publicly insulted a baron of the Exchequer, named Roger de Hegham, should go, with his body ungirt, his head uncovered, and his coif laid aside, from the Court of King's Bench, at Westminster, through the middle of the Hall, when the Court was full, to the Exchequer, and there ask the Baron's pardon.

The judges were commonly resident in the city of London, and went to Westminster by water, embarking at the Temple, through which there was evidently a right of way.

King Edward, on his return from France, in 1289, was inundated with complaints against the judges for extortion and other transgressions. He found such confirmation of the charges that he made a general clearance of the Bench, dismissing with disgrace all the judges of the two Courts of King's Bench and Common Pleas, except one in each, namely, John de Mettingham



in the former, and Elias de Beckingham in the latter, who alone were found untainted. Among other punishments fines were imposed upon them, in proportion to their delinquencies, and that of Ralph de Hengham, the Chief Justice of the Court of King's Bench, for even the venial offense of altering a record by diminishing a fine, is said to have been devoted to the erection of a clock-house on the north side of New Palace Yard, furnished with a clock to be heard in Westminster Hall. The tradition has been noticed by some of the judges in subsequent reigns, who, on being asked to alter a record, refused to do so, saying that they "meant not to build a clock-house." In 1370, sixpence a day was paid to John Nicole, "for his wages for the custody of the clock." The tower remained till 1715, when it was taken down, and the spot where it stood was marked by a dial on one of the houses then erected on its site, and lately pulled down, with the allusive motto "*Discite justitiam moniti.*"

The Chancery was also held in Westminster Hall, in a part at the upper end, that was called the Magnum Bancum. There Walter Reginald, Bishop of Worcester, when he was appointed Chancellor in 1310, was inaugurated; and the description that it was "*ubi Cancellarii Regis sedere consueverunt,*" leaves us in doubt when the practice commenced. Other records of Edward II. show that the writs were sealed there; and in the same reign we first find it called "*Tabulam Marmoriam,*" which Strype describes as twelve feet in length and three feet in breadth. The "Marble Chair" is also fre-

quently mentioned as the place where the Chancellor sat, and Dugdale tells us that it was fixed in the wall over against the middle of the marble table. But neither the marble chair nor the marble table was to be seen in Dugdale's time (1666), both being built over by the Courts of Chancery and King's Bench. We do not find the precise date of their being so covered, but that it was before the reign of Henry VIII. is apparent from the touching relation of the filial piety of Sir Thomas More, who, every day, before presiding as Chancellor in his own court, on one side of the Hall, knelt for the blessing of his aged father, who was a judge of the King's Bench, which was on the other side.

The office of Chancellor, long before the time of Sir Thomas More, had attained a much higher position in the State than it originally held. In the time of the Conqueror he was little more than the king's chief chaplain,—his father confessor, in fact,—and had the superior care of his chapel. He seems to have acted more as the private secretary of the sovereign, and to have prepared the various instruments to which the royal seal, which was kept under his direction, was to be attached. He was almost always an ecclesiastic, and resided in the palace. His allowance was fivepence a day, a simnel and two seasoned simnels; a sectary of clear wine, and a sectary of household wine; one large candle, and forty pieces of candle. When he had performed his duties for a sufficient period, or when the king was desirous of a change, he was almost invariably rewarded with a bishopric. Thus Arfastus became

Bishop of Helmham; Osbert, Bishop of Exeter; Osmond, Bishop of Salisbury; Maurice, Bishop of London, &c., &c.—all after they had retired from the Chancellorship.

The daily communication which necessarily subsisted between the king and his Chancellor, naturally led the former to refer frequently to the advice of his officer, who would thus, by degrees, become a confidential counsellor in affairs of state: so that when the office of Chief Justiciary was abolished, the Chancellor became the king's chief legal adviser, and, practically, the Prime Minister of the kingdom. This increase of influence and power was early exemplified in the magnificence displayed by Becket on various occasions.

The simple title of *Cancellarius Regis*, which the Chancellor bore during the first eleven reigns after the Conquest, began to be considered insufficient, and the grander one of *Cancellarius Angliæ* was gradually adopted, and was commonly used in the reign of Richard II. Soon after the title of Lord Chancellor was introduced; and in the reign of Henry VII. it culminated in the present designation of Lord High Chancellor. The peculiar jurisdiction which now distinguishes his court seems not to have commenced till about the reign of Edward II. In the exercise of it he was assisted by the twelve clerks or Masters in Chancery, of whom the Master of the Rolls was the head. The first person so named was John de Langton, in 1286, 14 Edward I. He soon after became Chancellor, and ultimately Bishop of Chichester. In subsequent

times the Masters of the Rolls held a separate and almost an independent court. The duties of the Master in Chancery were gradually reduced to inquiring into the minor details of the causes, and to reporting thereon to the Court; and in 1852 this ancient office was entirely abolished, after an existence of nearly eight hundred years. The business of the Chancery accumulated to such an extent that it became necessary greatly to enlarge the number of its judges. In 1813 one Vice-Chancellor was added; in 1841, two others; and in 1851 the Equity staff was increased by the appointment of two Lords Justices of Appeal; so that now full work is found for seven judges, to the performance of which, fifty years ago, two were deemed sufficient.

During the Terms the Chancellor sat in Westminster Hall, but during the vacations he heard causes in Lincoln's Inn Hall and other places, and often at his own house, of which instances are mentioned in the times of Sir Thomas More and Lord Chancellor Audley.

In recounting the legal incidents of Westminster Hall, it must not be forgotten that, besides the four Courts of Chancery, King's Bench, Common Pleas, and Exchequer, which were held within its precincts, the Hall itself was occasionally used as a high court of criminal justice for the solemn trial before the Peers of great delinquents, impeached by the House of Commons. One of the earliest, of which there is a particular account, is that against Michael de la Pole, Earl of Suffolk, Chief Justice Tresilian, and others, in the reign

of Richard II., which king himself was deposed by the Parliament in this same hall. In subsequent times these trials often took place before commissioners appointed from among the Peers, assisted by some of the judges and other commoners. Sir Thomas More and Bishop Fisher were tried in this manner; but it is doubtful whether the great hall was used on these occasions, or only the Court of King's Bench. Queen Anne Boleyn's trial took place in the Hall, on a "scaffold" there erected. In every subsequent reign, until that of George IV., many state offenders have there met their fate, whose names it is useless here to enumerate.

There is a print of Westminster Hall as it was prepared for the trial of the Earl of Strafford, in 1640, in which the queen is portrayed as looking out of her cupboard upon a scene in which her royal consort was, a few years after, to appear as a condemned prisoner. Some impeachments were tried before the Lords in their own house; but, during the long reign of George III. the Hall was fitted up four times, for the trials of Lord Byron for the murder of Mr. Chaworth, in 1765; of the Duchess of Kingston, for bigamy, in 1776; of Warren Hastings, which lasted above seven years—from February, 1788, to April, 1795; and of Lord Melville, in 1806; both the latter being for high crimes and misdemeanors. These were the last occasions when the great Hall was converted to such a solemn use; and as sixty years have since elapsed without giving a necessity for a similar display, we may fairly attribute the ab-

sence of the occasion to the improvement of society and the general amelioration of the age.

By a curious conjunction, one and the same person in the early reigns held the two offices of Warden of the Palace of Westminster and Warden of the Fleet Prison. Two records, of the 12th and 24th Edward III., show that there were then stalls for merchandise in, and stables under, Westminster Hall, and that the holder of those offices were allowed to take for his profit eight-pence per annum for each stall and stable, and four-pence for each stall only.

The Hall was also ornamented with "images," and various payments on account of them are recorded in the earlier part of the reign of Richard II.; but in the latter part, the ruinous effects of time, and perhaps of a fire, that destroyed one of the adjoining houses, in 1386, had become so visible that about two hundred years after its construction it was considered necessary to undertake substantial repairs. The opportunity was taken to introduce various alterations, and greatly to enlarge the edifice. The contract for part of the works is preserved in Rymer, and the restoration was completed in 1399, the last year of Richard's reign, whose deposition was the first public act for which it was used in the Parliament there assembled.

It is not improbable that at this time the old marble chair and table were covered over, and the two Courts of Chancery and King's Bench erected above them. Shops and hawkers were still allowed in the new hall, as in the old, but with higher prices. By a "rental" of 38

Henry IV., the rents of shops varied from two shillings to three shillings and fourpence a Term; and the "Goers in the Halle," as they were called, were charged from fourpence to twelvecence for the same period, the larger sum being paid by "Robynet Frenshwoman."

Sir Henry Blunt, in his "Voyage into the Levant," published in 1669, mentions (p. 20) that he rewarded a Turkish boy who gave him a cup of sherbet, "with a pocket looking-glass, in a little ivory case, with a comb, such as are sold at Westminster Hall for four or five shillings a piece." Pepys also, in his entertaining Diary, three months before the restoration of Charles II., speaks of a young bookseller in the Hall, and Mrs. Lane and the rest of the maids there, wearing their white scarfs, all having been at his burial. That the booksellers and stationers in the Hall were at that time a privileged class appears from their being exempted from the pains and penalties in the statutes then enacted for appointing licensers and regulating the press.

In the reign of Henry VI., we are informed by Fortescue, in his work "*De laudibus Legum Angliæ*," that the sittings of the judges did not exceed three hours, from eight to eleven; and it appears from the Year Book of 2 Henry VII., fo. 4, that they were not then more severely taxed, rising "because it was past eleven o'clock."

About this time there were certain places in Westminster Hall designated Hell, Purgatory, and Paradise, —names that seem to indicate that they were appropriated, as two of them certainly were, to the confine-

ment of delinquents, according to the varied degrees of punishment for their respective offenses. We see from the Illuminations of the Courts, lately published in the thirty-ninth volume of the "Archæologia," which are attributed to the reign of Henry VI., that at the bars of the three Courts of King's Bench, Common Pleas, and Exchequer, certain prisoners are represented; and their place of incarceration might probably be in one or the other of these cells. Some have thought that these extraordinary names were suggested by the titles of the three parts of Dante's "Divina Commedia;" and if it could be shown that Dante's work was familiar to the English world before those names were given to these three repositories, it might fairly be contended, from their succession and order, that Dante was their god-father.

The occurrence, however, of at least one of the names in the reign of Edward III., before Dante was born, tends to destroy the ingenious conceit. In the list of rooms and buildings in the Palace of Westminster, extracted from the original accounts of the expenses of erecting St. Stephen's Chapel in that reign, the following entry occurs:—

"Door of Hell in the Exchequer."

This is followed by another, to which the former probably applies:—

"House called Holle, under the Exchequer."

A third place named in the list may perhaps be the same which afterwards went by the name of Paradise or Heaven:—



“Le Godeshouse in the receipt of the Exchequer.”

Whatever were the uses to which these places were originally applied, it plainly appears that the custody of them was made a source of emolument, and was granted to the “squires of the king’s body,” and other favorites. Thus, in the Act of Resumption, passed in the first year of Henry VII., the grant of these places (when we find them for the first time so named) to Pierce Carvanell, “Gentleman Usher of our Chamber,” is specially excepted. The same document mentions two other places in Westminster Hall of which this usher had a grant—the house under the Exchequer, called Le Puttans, or Potan’s House, and the tower and house called Le Grene Lates. These houses were, in the reign of Edward VI., appropriated to the records and rolls of the Exchequer, and an annuity of £12 13s. 4d. was paid to Sir Andrew Dudley (to whom they had been previously granted) as a compensation for his loss. Hell, Purgatory, and Paradise, and another building called “Heaven,” were subsequently converted from cells of confinement to places of recreation and refreshment, still preserving their graceless names, and were frequented by lawyers and others attending the courts; and many are the allusions made to them in that character by dramatic and other authors so early as the reign of James I. In that of George II. great alterations were made in the approaches to Westminster Hall and the Houses of Parliament, among which Heaven and Purgatory (in the latter of which was preserved the ducking-stool, for the punishment of scolds) were pulled

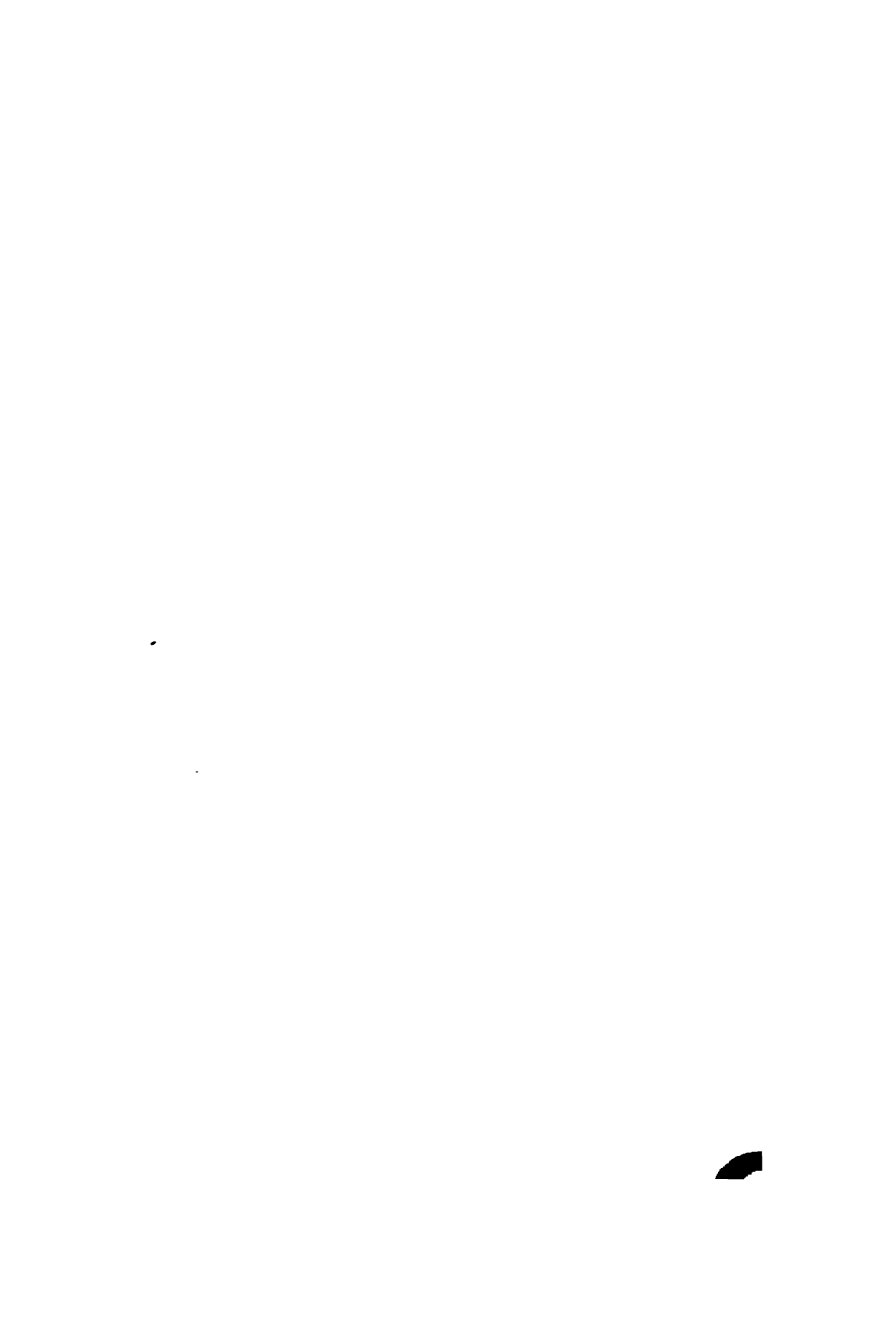
down. Hell and Paradise suffered the same fate in the next reign, about 1793.

In addition to the trades which were carried on within its precincts, the Hall was made the receptacle of the military banners taken in battle. We have no record of these triumphant ornaments to its walls before the reign of Charles I., when those taken at the battle of Naseby, in 1645, were displayed there, and were still hanging over the king's head when he was condemned in the same hall, as if to remind him of his disastrous defeat. These banners were supplemented by those taken at Dunbar and Preston in 1650, and afterwards at the battle of Worcester in 1651, "the crowning mercy" of Cromwell; the result of which was the expatriation of Charles II. for nine years. On the restoration of that prince all these memorials of disaster were, it is to be presumed, removed; and we have no notice of their successors till nearly a century afterwards, when the victories of Marlborough supplied a goodly show.

By the effects of natural decay, or of political causes, or perhaps by the influence of better taste, all of them have been since removed; but that they remained there in the reign of George II. we have the testimony of a picture by Gravelot, painted during his thirteen years' residence in this country, representing the interior of the Hall as it then appeared. Ranged along the left side, as you enter, are shops of booksellers, mathematical instrument makers, haberdashers, and sempstresses. At the further end of the Hall are the two courts of

King's Bench on the left, and of the Chancery on the right, divided by a flight of steps which led to the entrance of both. In the print these courts are inclosed to a certain height, but not covered; so that the noise in the Hall, and the flirtations of the barristers and attorneys with the sempstresses, must have occasionally disturbed the arguments of the counsel, and disarranged the gravity of the judges. On the right side is the same array of shops, except where it is interrupted by the Court of Common Pleas, which projects in the hall, and is similarly inclosed and uncovered. On both sides of the Hall, above the shops and the Court of Common Pleas, was a continuous display of banners, which, at the date of the picture, were probably those taken at the battle of Blenheim, and the other victories of Marlborough. The Court of Common Pleas was subsequently removed to the outside of the Hall; and the inclosure of the two other courts was completed and carried up to the roof, and thus divided from the exterior noise and racket.

It is not certain at what date the shopkeepers were ousted from the Hall, but they did not exist at the beginning of the present century. The Courts of Chancery and King's Bench have since disappeared, and are removed, with the other courts, to more convenient sites on the western exterior of the Hall, with entrances into it. Thus the edifice is now little more than a magnificent vestibule to them and the two houses of parliament, and a place of congregation for lawyers and their clients when attending the courts during Term time.





WESTMINSTER HALL AND OLD PALACE YARD.

MEMORANDUM FOR THE RECORD

On 10/10/54, the following information was received from the [redacted] regarding the [redacted] for the trial of [redacted] in the [redacted] case. The [redacted] advised that [redacted] had been [redacted] and [redacted] had been [redacted]. The [redacted] also advised that [redacted] had been [redacted] and [redacted] had been [redacted].

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It may possibly be again called into requisition for coronation banquets, and for the trial of State delinquents, though none of the former have been celebrated there for between forty and fifty years; while no less than sixty years have elapsed since any of the latter have taken place.

For the preparation of the coronation banquets the courts, when within the Hall, were obliged to be removed, and the shops and stalls to be boarded over. A petition of the shopkeepers in the reign of George I. prays that, as their shops are boarded up for the ceremony of the coronation, the leads and the outsides of the windows of the west side of the Hall may be granted for their use and advantage.

Besides the coronation banquets, we have record of many others from the earliest time. On New Year's day, 1236, King Henry III. feasted 6,000 poor men, women and children. In 1241, the same king sumptuously entertained there the Pope's legate, and his nobility; and again, in 1243, he celebrated there the nuptials of his brother, Richard Earl of Cornwall, with a banquet, at which it is said there were no less than 30,000 dishes; though where room was found for them it is difficult to imagine. When the repairs of the Hall were completed in 1399, King Richard II. is recorded to have plentifully entertained 10,000 in it, and, it is cautiously noted, "in other rooms of the palace;" for it is clear that the guests would not otherwise have had elbow-room. Faybran relates in his Chronicle that Henry VII. in the ninth year of his reign kept a royal



feast there; and the same king used the Hall for certain entertainments, under the name of "disguisyngs," which were exhibited to the people at Christmas. We have the following proof that they were provided or assisted by the Government: an entry occurs in the Issue Roll of a payment of £28 3s. 5½d. (a large sum in those days) to Richard Daland, "for providing certain spectacles or theaters, commonly called scaffolds," for these performances.

The royal ceremonies and entertainments, however, nor the legal solemnities to which Westminster Hall was devoted, did not exempt it or its occupiers from the calamities to which inferior buildings and ordinary mortals are liable. Many were the occasions when pestilence, or plague, or sweating sickness, necessitated the adjournment of the Terms, and even the entire desertion of the Hall. Instances of adjournment on that account occur in 1434 in Henry VI.'s reign, and again in 1482 in that of Edward IV. On this account the courts were held at St. Albans in the 26th year of Henry VIII., and at Walden in the 35th year of the same king. In the reign of Elizabeth there were frequent recurrences of similar visitations, the courts being sometimes held at Hertford, and sometimes at St. Albans. Beaumont and Fletcher allude to the latter fact when, in their play of "Wit without Money," they make Lance speak of

"Taverns wither'd

As though the Term lay at St. Albans."

During the Great Plague of 1665 the Term was held at Oxford and at Windsor.

The Hall also was visited by the calamity of fire. Archbishop Laud in his Diary records that on Sunday, February 20, 1630-1, the Hall was found on fire "by the burning of the little shops or stalls kept therein." It was soon extinguished, and the damage quickly repaired.

Inundations of the Thames also occasionally flooded the Hall. Holinshed mentions two in the reign of Henry III. in 1237, when he says boats might have been rowed up and down, and in 1242, when no one could get into the Hall, except they were set on horse-back. He records another, 300 years after, in the reign of Queen Mary, when the Hall was flooded "unto the stair-foot, going to the Chancerie and King's Bench, so that when the Lord Maior of London should come to present the sheriffs to the Barons of the Exchequer, all Westminster Hall was full of water." These visitations were repeated in the last century, in 1735 and 1791; and even so lately as 1741. The rising of the tide on those occasions gave abundant opportunity for the utterance of legal witticisms. In reference to one of these, Henry Fielding, in his dramatic satire of "Pasquin," makes Law say,—

"We have our omens too. The other day,  
A mighty deluge swam into our Hall,  
As if it meant to wash away the Law:  
Lawyers were forc'd to ride on porters' shoulders;  
One, O prodigious omen! tumbled down,  
And he and all his briefs were sous'd together."

The jocular poet, no doubt, did not seriously think that his watery "omen" really portended the "washing

away of the law" from Westminster Hall; and we can fancy how his indignant verse would flow were he to witness the great clearance to which his favorite fane is doomed—by neither pestilence, fire, nor inundation. In a few short years the lawyers will be expelled from their ancient haunts,—the *religio loci* must be abjured,—and the worshipers must resort to another temple. However magnificent the new structure may be in its exterior, or however convenient in its internal arrangements, it will strike the present ministrants of the law with far less admiration than the venerable sanctuary in which they paid their earliest adorations; and it will afford them a perpetual subject of invidious comparison in their intercourse with the novices of the profession. Such feelings are natural, for who can look back to a period of nearly 800 years, during which Westminster Hall has been devoted to its present objects, without acknowledging a degree of veneration towards the eminent judges who have presided there, and an affectionate reminiscence of the eloquent advocates who have pleaded before them.

But we need not fear that the connection between Westminster Hall and the law will ever be forgotten. Memory will call to mind the sages who have adorned it, and tradition will still remain.



## CHAPTER I.

WESTMINSTER HALL is perhaps the most interesting apartment in Europe: to an Englishman it is unquestionably so. Who is there, indeed, whose philosophy is so cold, or whose heart is so dead to every poetical or romantic feeling, as to be able to cross, without deep emotion, the threshold of the colossal banqueting room of the Norman kings, associated as it is in our minds with so many scenes of gorgeous splendor, so many events of tragical interest? Here our early monarchs sat personally in judgment on their subjects; here, on its vastest scale, was displayed the rude but magnificent hospitality of the Middle Ages; here a long line of sovereigns—the Norman, the Tudor, the Plantagenet, and the Stuart—have sat at their gorgeous coronation banquets; here Edward the Third embraced his gallant son, when the “sable warrior” returned from the bloody field of Poitiers conducting a monarch as his captive; and here were the trial-scenes of the young and accomplished Essex, the stately Strafford, and the ill-fated Charles the First!

Westminster Hall, it is almost needless to remark, was originally erected by William Rufus, to serve as a banqueting hall to the palace of the Confessor. It was completed in 1099, in which year we find him keeping his court beneath its roof. “In this year,” writes Matthew Paris, “King William, on returning from Normandy into England, held, for the first time, his court in the new hall at Westminster. Having entered to inspect it, with a large military retinue, some persons

remarking that it was too large, and larger than it should have been, the king replied that 'it was not half so large as it should have been,' and that it was only a *bed-chamber* in comparison with the building which he intended to make." This same year, according to Stow, William Rufus kept his Whitsuntide in the Palace of Westminster, and feasted in his new banqueting hall "very royally."

Henry the First, King Stephen, and Henry the Second were severally crowned in the Abbey of Westminster, and doubtless kept their coronation feasts in the old hall. Here also Henry, the eldest son of Henry the Second, was crowned in the lifetime of his father, and the banquet in Westminster Hall, which followed, is rendered not a little remarkable from the following scene, as described by one of the old chroniclers. "The king," says Holinshed, "upon that day served his son at the table as sewer, bringing up the boar's head, with trumpets before it, according to the usual manner. Whereupon the young man, conceiving a pride in his breast, beheld the standers-by with a more stately countenance than he had wont. The Archbishop of York, who sat by him, marking his behavior, turned unto him, and said: 'Be glad, my good son, there is not another prince in the world hath such a sewer at his table.' To this the new king answered, as it were disdainfully: 'Why dost thou marvel at this? My father, in doing it, thinketh it not more than becometh him; he, being of princely blood only on the mother's side, serveth me that am a king born, having both a king to my father, and a queen to my mother.' Thus the young man, of an evil and perverse nature, was puffed up with pride by his father's unseemly doing."

During the reigns of Richard the First and King John, we find no particular notices of Westminster

Hall, but, as both these monarchs were crowned and kept their courts at Westminster, they must often have banqueted beneath its roof.

On the occasion of his marriage, in January, 1236, with Eleanor, daughter of Raymond, Earl of Provence, and her subsequent coronation, we find Henry the Third giving a magnificent banquet in Westminster Hall. "At the nuptial feast," says Matthew Paris, "were assembled such a multitude of the nobility of both sexes; such numbers of the religious, and such a variety of stage players, that the city of London could scarcely contain them. In the procession, the Earl of Chester bore before the king the sword of Edward the Confessor. The High Marshal of England (the Earl of Pembroke) carried a rod before the king, both in the church and in the hall, making way for the king, and arranging the guests at the royal table. The Barons of the Cinque Ports bore a canopy over the king, supported on five spears. The Earl of Leicester held water for the king to wash before dinner, and the Earl of Warrenne officiated as the royal cup-bearer, in lieu of the Earl of Arundel, who was a youth not yet knighted. Master Michael Belet had the office of butler; the Earl of Hereford was marshal of the king's household; William de Beauchamp was almoner. The justiciary of the forests removed the dishes from the king's table; the citizens of London poured the wine abundantly into precious cups; the citizens of Winchester had oversight of the kitchen and napery. The chancellor, the chamberlain, the marshal and the constable took their seats with reference to their offices; and all the barons in the order of their creation. The solemnity was resplendent with the clergy and knights, properly placed; but how shall I describe the dainties of the table, and the abundance of diverse liquids; the quantity of game, the variety of

fish, the multitude of jesters, and the attention of the waiters? Whatever the world pours forth of pleasure and glory was there especially displayed."

Such was a royal banquet in the thirteenth century! The same year we find the king entertaining six thousand poor men, women and children in Westminster Hall and the adjoining apartments of the palace.

In 1241, Henry entertained the pope's legate, Otho, with great magnificence in Westminster Hall, and on the 5th of January following (St. Edward's day), he feasted a vast assemblage of guests, consisting chiefly of the citizens of London, who, it appears, were summoned to attend by a royal edict, subject to a penalty of one hundred shillings if they absented themselves. The last entertainment which we shall mention in this reign, was a magnificent one given by the king in Westminster Hall, in 1244, in honor of the marriage of his brother, Richard Earl of Cornwall, with Cincia of Provence, sister of the Queens of France and England. According to Matthew Paris, as many as thirty thousand dishes were prepared for the nuptial banquet.

A few years afterwards, Westminster Hall presented an extraordinary and almost awful scene. Henry the Third had so often broken faith with his barons and his people; so often, when he required their assistance, had he made solemn vows to regard the ancient charters of the realm, and so often had he disregarded them in the hour of his prosperity, that when, in 1253, he was reduced to the last extremity for want of money, it was only by agreeing to bind himself by an obligation far more awful and solemn than any of his preceding ones; and by consenting to submit to excommunication, and all the anathemas of the church, in the event of his failing in his engagement, that the barons and clergy were induced to aid him in his distress. It was decided that the ceremony should

take place in Westminster Hall, under every circumstance which could tend to make it solemn and impressive. There were assembled there on the 3rd of May, the king, the nobles, the prelates, and the heads of the great ecclesiastical establishments; the churchmen, clad in their ecclesiastical robes, bearing each a lighted taper in his hand. For some reason a lighted taper was offered to the king, but he declined it, saying pointedly, "he was no priest;" while at the same time, to evince his sincerity, he offered to "keep his hand upon his heart during the proceedings." The scene which followed may be more readily imagined than described. In the midst of a solemn silence, the Archbishop of Canterbury arose from his seat, and in the most awful language invoked the curse of Heaven on whomsoever should hereafter infringe the charters of the realm. At the moment when the frightful anathema was passing his lips, the torches were thrown smoking and stinking on the ground, and the voice of the Archbishop rose to a louder pitch: "Thus," he said, "be extinguished, and stink, and smoke in hell, all those who dare to violate the charters of the kingdom." After a short pause the king himself arose, and, with his hand still on his heart, exclaimed, in a no less solemn manner: "So may God help me, I will inviolably observe all these things, as I am a man and a Christian, and a knight, and a crowned and anointed king." It is possible Henry may have been sincere at the moment, but how indifferently he kept his solemn oath, history has left us a melancholy record.

The only other incident of any interest connected with Westminster Hall in the reign of Henry the Third, was an extraordinary and bloody fracas, arising out of an ancient feud, which took place in 1269, between John de Warrenne, Earl of Surrey, and Sir Alan la Zouche,



one of the king's justices, in which both of these powerful subjects appear to have taken a part with their followers. Sir Alan, being closely pressed by his enemies, flew towards the king's chamber, and had nearly reached it, when he was pierced by the swords of his pursuers. The latter immediately took boat, and flew to seek a place of concealment on the other side of the river, leaving their victim weltering in his blood. His groans soon attracted the ear of the king and his son, Prince Edward, who were naturally not a little indignant at so gross an outrage having been perpetrated so near the domestic apartments of the sovereign. It affords a curious feature of the manners of the times, that De Warrenne immediately sought refuge in, and fortified himself in his castle of Reigate; nor was it by the force of the royal authority, but through the mediation of the Duke of Gloucester, and Henry, son of the King of Almaine, that he was induced to submit to the king's mercy. The earl escape with a fine and penance, but Sir Alan was less fortunate, and died shortly afterwards of the effect of his wounds.

On the death of Henry the Third, which took place on the 16th of November, 1272, we find his son proclaimed with all due honors in Westminster Hall, as King Edward the First. Here also, on the 19th August, 1274, on the occasion of his coronation and his marriage with Eleanor of Carlisle, we find the young and chivalrous monarch celebrating the double ceremony in the hall of Rufus, with extraordinary magnificence. The nuptial banquet, moreover, was graced by the presence of Alexander, King of Scotland, and the chosen of the Scottish nobility. "The King of Scotland," says the old chronicler, Henry de Knyghton, "was accompanied by one hundred knights on horseback, who, as soon as they had dismounted, turned their steeds loose for any

one to catch and keep that thought proper. Then came Edmond, Earl of Cornwall, the king's nephew, and the Earls of Gloucester, Pembroke, and Warenne, each having in their company an hundred illustrious knights, wearing their lords' armor; and when they had alighted from their palfreys, they also set them free, that whoever chose might take them unquestioned. And the aqueduct in Cheapside poured forth white wine and red, like water, for those who would drink at pleasure."

Edward the Second was crowned at Westminster, on the 25th of February, 1308; and Westminster Hall was apparently the scene of the magnificent banquetings and rejoicings which accompanied that event, as well as that of his marriage, the same year, with Isabella, the daughter of Philip le Bel, King of France. When the misconduct of the weak and voluptuous monarch compelled his barons to rise in arms against him, we find him a fugitive at one time in the north of England, and, a short time afterwards, seated on his throne in Westminster Hall, surrounded by all the pomp of royalty, and knelt to by all the magnates of the land. It was only on the 19th of June, 1312, that the associated barons caused his beloved favorite, Piers Gaveston, to be dragged from the dungeons of Warwick Castle to the block; and yet, on the 16th of October, the following year, while yet in his heart breathing resentment against the murderers of his minions, we find the barons kneeling submissively to him in Westminster Hall; and, in a full assemblage of the people, expressing their contrition and acknowledging his clemency.

Four years afterwards, while the king was still pursuing his career of libertinism and misrule, the following remarkable occurrence took place in Westminster Hall: "This year," says the old monkish historiographer, Walsingham, "the king celebrated the feast of Pentecost

in the great hall of Westminster, where, as he sat in the royal seat at table, in the presence of the great men of his kingdom, there entered a woman adorned with a theatrical dress, sitting on a fine horse with corresponding trappings; who, after the manner of players, made a circuit round the tables, and at length ascended the steps to the table of the king, and laid before him a certain letter; then reining back her steed, and saluting the guests, she retired as she came. The king had the letter opened, that he might know its contents, which were as follows: 'His lordship the king shows little courtly consideration for his knights, who in his father's time, and in his own, have exposed themselves to various dangers, and have spent or diminished their substance in their service; while others who have not borne the weight of business, have been abundantly enriched.' When these things were heard, the guests looking upon one another, wondered at the boldness of the woman, and the porters or doorkeepers were blamed for having suffered her to enter; but they excused themselves, answering that it was not the custom at the royal palace in any way to prohibit the entrance of players, especially at solemn festivals. Persons were then sent after the woman, who was easily found, taken, and committed to prison; and being required to tell why she had acted in such a manner, she truly replied that she had been induced to do it by a certain knight for a proper reward. The knight being sent for, and brought before the king, in reply to inquiries, nothing fearing, boldly confessed himself the author of the letter, and avowed that he had consulted the king's honor in what he had done. Therefore the knight by his constancy rendered himself deserving of the king's favor, with abundant gifts, and the woman was released from prison."

In August, 1321, when the Spencers had succeeded Piers Gaveston in the affections of the weak monarch, we find the barons of England assembling in Westminster Hall, and signing a sentence of banishment on the obnoxious favorites, under the penalty of death should they ever return to the kingdom. Lastly, speaking of this unhappy reign, it was in Westminster Hall, a few months before Berkeley Castle echoed with the shrieks of the agonized king, that the barons proclaimed him incapable of governing the realm, and announced to the assembled people that the prince, his son, had been invited to ascend the throne.

Edward the Third was knighted and crowned at Westminster on the same day, the 1st of February, 1327, and afterwards kept his coronation feast with great magnificence in the hall. Many years afterwards, when Edward the Black Prince returned victorious from the battle of Poitiers, with John, King of France, as his captive, we find Edward the Third seated on his throne in Westminster Hall, in the midst of his nobles and prelates, anxiously expecting the arrival of his august prisoner and valiant son. When the trumpets announced that they were approaching the hall, the king descended from his throne, and receiving the King of France with the same kindness as if he had been a neighboring monarch come to pay him a friendly visit, led him courteously to a banquet which had been prepared for him. When Edward and his gallant son subsequently endeavored to console the French king for his misfortunes, the latter answered with a mournful smile in the words of the Psalmist: "How shall we sing in a strange land?"

Richard the Second, the day before his coronation, proceeded in a magnificent procession from the Tower to Westminster, where he took possession of the palace

of his ancestors. "On arriving at Westminster," we are told, "with the princes, nobles, and many others of his lieges, he entered the great hall of the palace, and going up to the high marble table, he asked for wine, which being brought he drank of it, as did others standing around him. The king then retired with the princes and his family to his chamber, where he supped royally, and having bathed becomingly retired to rest." The following day, the 16th of July, 1377, Richard was crowned with great state in the abbey, and, after the ceremony, partook of the usual banquet in the hall; the nobility, the prelates, and the great officers of state being seated at different tables. "During the entertainment," we are told, "the Lord Steward, the Constable, and the Earl Marshal, with certain knights deputed by them, *rode* about the hall on noble coursers, to preserve peace and order among the people. All that time the Earl of Derby stood at the king's right hand, holding the principal sword drawn from its scabbard. The Earl of Stafford performed the office of chief carver. Dinner being finished, the king arose and went to his chamber, with the prelates, great men, and nobles before mentioned. Then the great men, knights, and lords passed the remainder of the day until supper-time, in shows, dances, and solemn minstrelsy; and having supped, the king and the others retired to rest, fatigued with their exertions in the ceremonies of this magnificent festival." At this early period, we find Sir John Dymoke, as possessor of the manor of Scrivelsby, in Lincolnshire, claiming to be the king's champion, and riding into Westminster Hall in full armor. "Having furnished himself," says Walsingham, "with the best suit of armor save one, and the best steed save one, from the king's armory and stable, he proceeded on horseback, with two attendants, the one bearing his

spear and the other his shield, to the abbey gates, there to await the ending of the mass. But the Lord Marshal, the Lord Seneschal, and the Lord Constable, being all mounted on their great horses, went to the knight, and told him that he should not have come so soon; wherefore he had better retire, and, laying aside his weighty armor, rest himself until the proper time." The champion, it appears, took their advice, and withdrew till the king took his seat at the banquet in the hall.

When the associated barons, headed by the king's uncle, Thomas of Woodstock, Duke of Gloucester, took up arms, in 1387, against the unfortunate Richard the Second, we find them assembled with their armed retainers in Westminster Hall, waiting for an interview with their sovereign. It is curious to find, in the records of the days of chivalry, how extraordinary was the respect paid by the nobles to their king, even when they had drawn their swords from the scabbard, and were prepared to encounter him on the battle-field. On this occasion, we are told by Holinshed, "the king, when he heard they were come, appareled himself in his kingly robes, and, with his sceptre in his hand, came into the great Hall at Westminster. The lords, as soon as they had sight of him, made him their humble obeisance, and went forward till they came to the nether steps going up to the king's seat of state, where they made their second obeisance; and then the king gave them countenance to come nearer to him." This display of courtesy, however, was but the prelude to a storm; the barons loudly denouncing Robert de Vere, Duke of Ireland, and others of the king's council, as traitors to their sovereign and their country; and concluding by throwing down their gauntlets on the floor, and offering to prove the truth of what they asserted by single combat. With some difficulty they were pacified by Richard, who solemnly

promised to summon a parliament, when their grievances should be taken into full consideration. Having thus succeeded in lulling the storm, at least for a season, the king could not altogether conceal the indignation which he felt at the barons having the boldness to appear in arms in his presence. "Have I not armed men," he said, "sufficient to have beaten you down, compassed like deer in a toil, if I would? Truly, in this behalf, I make no more account of you than of the vilest scullion in my kitchen." During this remarkable scene, it is not a little curious to find the haughty barons, including even the king's uncle, the Duke of Gloucester, kneeling the whole time before the king. At the conclusion, however, of the interview, he raised them from their knees with great courtesy, and led them to one of the apartments of the palace in which a banquet had been prepared for them.

On the 30th of September, 1399, the day after the unfortunate Richard had formally renounced the crown in the Tower of London, Westminster Hall witnessed a far more memorable scene than the foregoing. The hall had recently been "hung and trimmed sumptuously;" the prelates and barons were in their respective places; the throne alone was vacant! In the midst of a profound silence, the Archbishop of York arose, and read aloud the renunciation of the king. His abdication having been accepted by the parliament, there was again a solemn silence, when Henry Bolingbroke, Duke of Lancaster, rising from his seat, and making the sign of the cross on his forehead and breast, said aloud: "In the name of the Father, the Son, and the Holy Ghost, I, Henry of Lancaster, challenge this realm of England, and the crown, with all the members and appurtenances as that I am descended by right line of the blood coming from the good lord King Henry the Third; and







through the right that God, of his grace, hath sent me, with help of my kin and of my friends to recover it ; the which realm was in point to be undone for default of governance, and undoing of good laws." This speech was followed by loud cries of "Long live Henry the Fourth!" In proof of Richard having resigned the regal authority to him, Henry produced the signet-ring of the abdicated monarch ; and the assembly having unanimously admitted his rights, the Archbishop of Canterbury approached him, and led him towards the vacant throne. On reaching the steps which led to it, he knelt down for a short time in silent prayer, and was then placed in it by the Archbishops of Canterbury and York, amidst the renewed acclamations of the assembly.

Shakespeare, in his tragedy of "Richard the Second," has made the dethroned monarch an actor in this memorable scene :

*Boling.*—Fetch hither Richard, that in common view  
He may surrender ; so we shall proceed  
Without suspicion.

*Enter King Richard.*

*K. Richard.*—Alack, why am I sent for to a king,  
Before I have shook off the regal thoughts  
Wherewith I reigned ? I hardly yet have learned  
To insinuate, flatter, bow, and bend my knee  
Give sorrow leave awhile to tutor me  
To this submission.

\* \* \* \*

Now mark me how I will undo myself :  
I give this heavy weight from off my head,  
And this unwieldly sceptre from my hand,  
The pride of kingly sway from out my heart ;  
With my own tears I wash away my balm,  
With mine own hands I give away my crown,  
With mine own tongue deny my sacred state,  
With mine own breath release all duteous oaths ;  
All pomp and majesty I do forswear ;  
My manors, rents, revenues, I forego ;  
My acts, decrees, and statutes, I deny !  
God pardon all oaths, that are broke to me !  
God keep all vows unbroke, are made to thee !  
Make me that nothing have, with nothing grieved,

And thou with all pleased, that hast all achieved !  
 Long mayst thou live in Richard's seat to sit,  
 And soon lie Richard in an earthly pit !  
 God save King Henry, unkinged Richard says,  
 And send him many years of sunshine days !  
 What more remains ?

Shakespeare correctly places the scene in Westminster Hall, but it is not the case that the abdicated monarch was a witness of the triumph of his successor.

To the ill-fated Richard the Second we are indebted for the magnificent old hall as it now stands. Under his auspices it was greatly strengthened and beautified; the present matchless roof having been added, and the exterior coated with thick walls of stone. At its completion, in 1398, it must have presented nearly the same appearance which it wears at the present day. As an apartment, it is said to be the largest in Europe, and its massive timber roof is perhaps the finest specimen of similar scientific construction in the world.

Henry the Fourth was crowned at Westminster on the 12th of October, 1399, and the same day presided at a sumptuous banquet in the hall; the two archbishops, and several of the other prelates, sitting at the same table with him, and Dymoke, the champion, entering the hall, "mounted upon a goodly steed, barbed, with crimson housings;" the herald, who accompanied him, vociferating the usual challenge.

Henry the Fifth, the victor of Agincourt, was also crowned at Westminster, but of the subsequent feastings and ceremonies in the hall we find no particular record. In 1421, however, on the occasion of the coronation of his queen, Katherine, daughter of Charles the Sixth of France, we find the ceremony in the abbey followed by a sumptuous entertainment in Westminster Hall; the queen being seated on a throne "at the marble table at the upper end of the hall," the Archbishop of Canterbury sitting on one side of her, and the King of Scot-

land on the other. The menial offices were performed by the principal nobility; the Duke of Gloucester, as "over-looker," stood bare-headed before the queen, and on her right knelt the Earl of March holding a sceptre, and on her left the Earl Marshal. During the ceremony, the Earl of Worcester performed one of the duties of the Earl Marshal, by riding up and down the hall "on a great courser," to preserve order.

Henry the Sixth was crowned at Westminster in his tenth year, but, with the exception of the closing scene of his reign, we find it but rarely connected with the old hall. Under its roof it was, in 1460, that the memorable scene took place, when the assembled prelates and nobles declared that King Henry had forfeited the crown, and that it had descended by right to the Earl of March, afterwards Edward the Fourth. During these proceedings, Edward was seated on the throne of the Plantagenets, holding the sceptre of Edward the Confessor in his hand, and, as soon as they were concluded, the hall reverberated with loud shouts of "Long live King Edward the Fourth!"

During the reign of Edward the Fourth, and that of his son and successor, Edward the Fifth, Westminster Hall is but rarely mentioned; nor is it till the usurpation of the "crooked-backed" Richard the Third, that we again find it the scene of regal hospitality. It was in this hall, on the day of his being proclaimed king, that Richard made his famous Jesuitical speech to his subjects, which was intended to deceive and win all hearts; and here also, after the ceremony of his coronation, on the 6th of July, 1483, we find him presiding at a magnificent entertainment. The procession, which took place to and from the Abbey, must have been gorgeous in the extreme. First issued forth the trumpets and clarions, the sergeants-at-arms, and the

heralds, bearing the king's heraldic insignia; then followed the bishops and abbots, their miters on their heads, and their croziers in their hands, the Bishop of Rochester carrying the cross before Cardinal Bouchier, Archbishop of Canterbury; then the Earl of Northumberland carrying the sword of state; the Duke of Suffolk with the scepter; the Earl of Lincoln with the cross and globe; and the Earls of Kent and Surrey, and Lord Lovel, carrying other swords of state. Immediately before the king walked the Duke of Norfolk bearing the crown, and after him came Richard himself, dressed in robes of purple velvet. On each side of him walked the Bishops of Bath and Durham; his train was held up by the Duke of Buckingham; and the gorgeous canopy over his head was supported by the Barons of the Cinque Ports. The procession was closed by a long train of earls and barons.

After the procession of the king had passed, came that of the queen. Her scepter was borne by the Earl of Huntington; the Viscount Lisle carried the scepter and dove, and the Earl of Wiltshire her crown. Then came the queen herself, having "on her head a circlet of gold, with many precious stones set therein;" on each side of her walked the Bishops of Exeter and Norwich, and the Countess of Richmond, mother of Henry the Seventh, supported her train. After the queen came Catherine, Duchess of Suffolk, the queen's sister, walking in the procession by herself; and after her followed a long train of ladies, who were succeeded by another train of knights and esquires.

At the banquet in the hall, the king and queen were served on dishes of gold and silver; Lord Audley performed the office of state carver; Thomas, Lord Scrope, of Upsal, that of cup-bearer; Lord Lovel, during the entertainment, standing before the king, and "two

squires lying under the board, at the King's feet." As soon as the second course was put on the table, "the king's champion, Sir Robert Dymoke, rode into the hall, his horse trapped with white silk and red, and himself in white harness; the heralds of arms standing upon a stage among all the company. Then the king's champion rode up before the king, asking, before all the people, if there was any man would say against King Richard the Third, why he should not pretend to the crown. And when he had so said, all the hall cried 'King Richard,' all with one voice. And when this was done anon one of the lords brought unto the champion a covered cup full of red wine, and so he took the cup and uncovered it, and drank thereof; and when he had done, anon he cast out the wine and covered the cup again; and, making his obeisance to the king, turned his horse about, and rode through the hall, with his cup in his right hand, and that he had for his labor."<sup>1</sup>

If the chronicles of Westminster Hall present us with many gorgeous scenes of historical interest, they also afford us, in the changeful fortunes of many an illustrious name, no less striking pictures of the vicissitudes of human life, and of the mutability of human greatness. In 1484, we find King Richard keeping his Christmas in the old hall with great magnificence, and yet only eight months were allowed to elapse, before King Henry the Seventh celebrated his coronation feast in the same apartment, wearing, during the gorgeous banquet, the same crown on his head which had been taken from the bloody corpse of his predecessor, on the field of Bosworth.

The palace of Westminster appears to have been constantly the residence of Henry the Seventh. With the

<sup>1</sup> M.S. in the Harleian Collection, quoted in Brayley and Britton's "History of the Palace of Westminster."

exception, however, of his coronation feast, and of its having been the scene of his nuptial banquet, on the occasion of his marriage with Elizabeth, eldest daughter of Edward the Fourth, it does not appear that the hall presents any particular feature of interest during his reign.

In June, 1509, Henry the Eighth solemnized both his coronation, and his marriage with Catherine of Arragon, at Westminster, and considering his taste for splendor, the old hall was, doubtless, on these occasions, the scene of extraordinary revelings and rejoicings. A few years afterwards, however, a scene, very different from a nuptial banquet, took place in Westminster Hall. According to Stow, "a great heart-burning and malicious grudge had grown amongst the Englishmen of the city of London against strangers; the artificers finding themselves much aggrieved because such a number of strangers were permitted to resort hither with their wares, and to exercise handicrafts, to the great hindrance and impoverishing of the king's liege people." Exasperated by the injury done to their trade, the artizans, and the "'prentices" of London were sure to take part with them in any such affray, appear to have insulted, and even beat a foreigner, wherever they could fall in with one. This was in the days when the cry of "'Prentices, 'prentices! clubs, clubs!" was formidable, not only to the city authorities, but to the government itself. At length the excitement grew to such a pitch, that it was commonly believed, according to Stow, that "on May-day next following, the city would slay all the aliens; insomuch that divers strangers fled out of the city." The fears of the government were now thoroughly aroused, and, accordingly, orders were issued to the aldermen of the different wards, enjoining them that no man should quit his house after nine o'clock in the

evening of the 1st of May, but should keep his doors closed, and his servants within, till the same hour the following morning.

But for a trifling circumstance, the dreaded day—"Evil May-Day," as it was afterwards styled—would probably have passed away without bloodshed or riot; even though a May-day in the reign of Henry the Eighth was an important periodical occurrence, a favorite festival of dancing and feasting, when the heads of the young 'prentices were bewildered, for weeks before, with visions of arbors decorated with bright scarfs and ribbons, of streamers waving from the Maypole-tree, and around it light forms advancing and receding in the dance; their bright eyes beaming with love and pleasure, and their glossy hair encircled with the youngest flowers of the year. As old Herrick beautifully describes such a scene in the days of Queen Elizabeth:

"I've heard them sweetly sing,  
And seen them in a round,  
Each maiden, like a spring,  
With honeysuckles crowned."

Many a youth and many a maiden were probably disappointed of happiness on May-day, 1547; but, as we have already mentioned, the day would probably have passed away with merely suppressed sighs, or perhaps suppressed maledictions, had it not been for a trifling occurrence. One of the aldermen, on going his rounds, chanced to find two young men playing at "bucklers" in Cheapside, in the midst of their companions, when he somewhat peremptorily threatened to send them to the Compter. Words arose between them, and in the midst of the altercation, the war-cry of the city of London, "'Prentices, 'prentices! clubs, clubs!" disturbed the stillness of the night. In an incredibly short space of time every door was thrown open, and 'prentices, ser-



vants and watermen joined in the fray. Finding themselves masters of the field of battle, and having beaten every reinforcement which the Lord Mayor sent against them, they proceeded to gut and destroy the house of every foreigner of whom they could find any trace. The work of demolition continued till three o'clock in the morning, when, a great number having retired to their beds, the Lord Mayor seized his opportunity, and captured three hundred of the rioters. Seven days afterwards, one John Lincoln, their reputed leader, and about twelve others, were hanged; while the remainder, many of them women and boys, were reprieved at the king's mercy; the queen, and Henry's sisters, the queens dowager of France and Scotland, who were then in England, remaining on their knees before the king till he promised to spare their lives.

If we have wandered too long away from the old hall, it was for the purpose of introducing the sequel to the riots of "Evil May Day." "Thursday, the 22nd of May," says Hall, "the king came into Westminster Hall, for whom, at the upper end, was set a cloth of estate, and the place hanged with arras; with him went the cardinal, the Duchess of Norfolk and Suffolk, &c. The mayor and aldermen were there, in their best livery, by nine of the clock. Then the king commanded that all the prisoners should be brought forth. Then came in the poor younglings and old false knaves, bound in ropes, all along, one after another, in their shirts, and every one a halter about his neck, to the number of four hundred men and eleven women. And when all were come before the king's presence, the cardinal rose, laid to the mayor and commonalty their negligence, and to the prisoners he declared they had deserved death for their offense. Then all the prisoners together cried, 'Mercy, gracious lord, mercy!' Then the

lords altogether besought his Grace for mercy, at whose request the king pardoned them all. And then the cardinal gave unto them a good exhortation, to the great gladness of the hearers. And when the general pardon was pronounced, all the prisoners shouted at once, and altogether cast up their halters into the hall roof, so that the king might perceive that they were none of the discreetest sort." In the crowd were several of the leaders of the riot, who had hitherto contrived to evade justice, but who no sooner ascertained the favorable turn which affairs were taking, than they "suddenly stripped them into their shirts, with halters," and mingling with the other offenders received pardon with the rest.

On the 13th of May, 1521, Westminster Hall witnessed the trial-scene of that once all-powerful subject, Edward Stafford, Duke of Buckingham, Lord High Constable of England, and lineally descended from King Edward the Third. Great preparations were made for the trial, which was conducted in solemn state before the Duke of Norfolk, sitting as Lord High Steward, and twenty-two other peers. Having been found guilty of high treason, and sentence of death having been passed upon him, the Duke, in a calm and dignified manner, addressed the court: "My Lord of Norfolk," he said, "you have said as a traitor should be said to; but I was never any. I nothing malign you for what you have now done to me, and may the Eternal God forgive you my death, as I do. I shall never sue to the king for life; howbeit, he is a gracious prince, and more grace may come from him than I desire. I beseech you, my lords, and all my fellows, to pray for me."

I have this day received a traitor's judgment,  
And by that name must die; yet, Heaven bear witness,  
And, if I have a conscience, let it sink me,  
Even as the axe falls, if I be not faithful!

The law I bear no malice for my death ;  
 It has done, upon the premises, but justice ;  
 But those that sought it, I could wish more Christians :  
 Be what they will, I heartily forgive them :  
 Yet let them look they glory not in mischief,  
 Nor build their evils on the graves of great men :  
 For then my guiltless blood must cry against them.  
 For further life in this world I ne'er hope,  
 Nor will I sue, although the king have mercies  
 More than I dare make faults. You few that loved me,  
 And dare be bold to weep for Buckingham,  
 His noble friends, and fellows, whom to leave  
 Is only bitter to him, only dying,  
 Go with me, like good angels, to my end ;  
 And as the long divorce of steel falls on me  
 Make of your prayers one sweet sacrifice,  
 And lift my soul to Heaven.—Lead on in God's name.

*Henry VII., Act 2, Scene 2.*

The duke was reconducted to the Tower, and three days afterwards was beheaded on Tower Hill, where he died with great composure, attended by the lamentations of the people.

In July, 1535, the trial of the wise and witty Sir Thomas More, for denying the king's supremacy, took place in Westminster Hall. Notwithstanding the eloquence of his defense, he was found guilty, and sentenced to be hanged, drawn, and quartered ; a sentence which the king afterwards commuted for decapitation, and which was carried into effect on Tower Hill on the sixth of the month. An affecting scene took place as this great man was being led from the bar in Westminster Hall. His son forced his way through the crowd, and, falling on his knees, in a passion of grief besought the blessing of his condemned father.

Edward the Sixth was crowned in Westminster Abbey, on the 20th February, 1547, and after the ceremony partook of his coronation feast in the old Hall. The young king himself tells us in his journal, that on his entering the hall "it was asked the people whether they would have him to be their king, and they answered 'yea, yea.'" At the conclusion of the ban-

quet we find him dubbing thirty-five "Knights of the Carpet."

On the 1st of December, 1552, the great Protector, Duke of Somerset, uncle to the king, was brought from the Tower to Westminster Hall, to undergo his memorable trial on charges of treason and felony. "The Lord Treasurer, the Marquis of Winchester," says Hayward, "sat as high steward, under a cloth of state, on a bench mounted three degrees; the peers, to the number of twenty-seven, sitting on a bench one step lower." He was acquitted of the charge of treason, but being found guilty of the felony, the object of his enemies was fully answered, and he was condemned to death. On the 22nd of the following month, the Duke was led forth to Tower Hill, where he submitted himself to the stroke of the executioner with a dignified fortitude and resignation.

The next trial of any importance which we find taking place in Westminster Hall, was that of Charles, seventh Baron Stourton, who was arraigned here, on the 26th of February, 1557, for the foul murder of two gentlemen, William and John Hartgill, father and son, who were his neighbors in Somersetshire. Having been found guilty, and sentenced to be hanged, he was placed on a horse's back, with his arms pinioned behind him and his legs tied under the horse's belly, and thus conveyed by slow stages to Salisbury, in the market-place of which town the sentence was carried into effect. The only distinction made between him and an ordinary malefactor was his being hanged with a silken halter.

Queen Mary was crowned in Westminster Abbey, and in all probability kept her coronation feast in Westminster Hall, as did also her sister and successor, Queen Elizabeth, on the 15th of January, 1559. "She dined," says Holinshed, "in Westminster Hall, which was richly

hung, and everything ordered in such royal manner as to such a regal and most solem feast appertained."

During the reign of Queen Elizabeth, more than one state trial of deep interest took place in Westminster Hall. That of Thomas Howard, Duke of Norfolk, who died for his romantic attachment to Mary Queen of Scots, presented an imposing and magnificent scene. The trial took place on the 16th of January, 1572, George Talbot, Earl of Shrewsbury, presiding as Lord High Steward of England. "A scaffold," says Camden, who was present at the trial, "was ordered in the midst of the hall, reaching from the gate to the upper end; where there was a tribunal built, with seats on both sides; such a sight as had not been seen full eighteen years."

Being called upon to answer the charges, the Duke strenuously entreated to be allowed the aid of counsel. Being answered by the lord chief justice, that counsel was never allowed to criminals charged with high treason, "Then," said the duke, "to-day I must plead for my life, my estate, my children, and, which is above all, my honor. If I die innocent, God will be sure to avenge my cause." The clerk of the crown then asked him, "Thomas, Duke of Norfolk, art thou guilty of the crimes with which thou art charged, or no?" The duke answering "Not guilty;" "Then," said the clerk, "how wilt thou be tried?" to which the duke replied, "To God and to these peers I recommend my cause."

The Duke having been found guilty, the Lord Steward asked him if he had anything to object why sentence should not be passed upon him, to which he replied: "God's will be done: he will judge between me and my false accusers." Silence being again proclaimed, and the edge of the axe having been turned towards the Duke, Barham, the queen's serjeant-at-law, rose from his seat,

and called upon the high steward in the queen's name to pass sentence. With tears in his eyes, the lord steward then proceeded to pronounce the dreadful sentence of the law. "Forasmuch," he said, "as thou, Thomas, Duke of Norfolk, hath been charged with high treason, hath pleaded not guilty, and hath submitted thyself to the judgment of thy peers; this court adjudgeth thee to be carried back from hence to the Tower; then to be laid upon an hurdle, and drawn through the city to the gallows, there to be hanged; and being half dead, to be cut down, thy bowels taken out, and after thy head is cut off, to be quartered; thy head and body to be disposed of according to the queen's pleasure; and God have mercy upon thy soul." The Duke listened to these frightful details without any visible emotion. "Sentence is passed upon me," he said, "as upon a traitor; I have none to trust but God and the queen. I am excluded from your society, but hope shortly to enjoy the heavenly. I will fit myself to die. Only one thing I crave; that the queen would be kind to my poor children and servants, and take care that my debts be paid." The Duke was beheaded on Tower Hill, on the 2nd of June, 1572. He died pious and undaunted, on the same spot where his father, the accomplished Earl of Surrey, had been decapitated twenty-six years before.

A more interesting person even than the Duke of Norfolk, was Robert Devereux, Earl of Essex, the ill-fated favorite of Queen Elizabeth, who was tried in Westminster Hall, with his friend, Henry Wriothesley, Earl of Southampton, on the 19th of February, 1601. Camden was also present on this occasion, and has left us an interesting account of the proceedings. The peers having unanimously pronounced a verdict of guilty, the clerk of the crown inquired of the prisoners, as usual, if they had anything to offer why judgment should not be

passed upon them. Southampton addressed them in a modest, pathetic and effective appeal, while Essex contented himself with generously pleading the cause of his friend. As for his own life, he said, he valued it not; his only desire was to lay down his life with the sincere conscience of a good Christian, and a loyal subject; and though he was unwilling that he should be represented to the queen as a person who despised her clemency, yet he trusted he should make no cringing submissions for his life. "And you, my lords," he concluded, "though you have condemned me in this tribunal, yet I most heartily entreat you, that you will acquit me in your opinion of having entertained any ill intentions against my prince."

The edge of the axe being now turned against the prisoners, the high steward passed on them the dreadful sentence of the law. At its conclusion Essex exclaimed: "If her majesty had pleased, this body of mine might have done her better service: however, I shall be glad if it may prove serviceable to her in any way." He then requested that a clergyman whom he named, Mr. Ashton, should be allowed to administer the holy sacrament to him, and attend him in his last moments; and, lastly, he begged pardon of the Earl of Worcester and the lord chief justice, for having detained them as prisoners in Drury House; and especially of the Lords Morley and Delaware for having brought their sons into danger. The lord steward then broke his wand, and the court broke up. "I was myself present at these proceedings," says Camden, "and have related them with all fairness and impartiality." Southampton escaped with his life, and shortly afterwards, on the accession of James the First, obtained the Order of the Garter and other honors. Essex was less fortunate. He was beheaded in the court-yard of the Tower six days after his con-

demnation; displaying on the scaffold the same unaffected courage and calm dignity which he had exhibited at his trial in Westminster Hall.

James the First and his consort, Anne of Denmark, were crowned in Westminster Abbey, and afterwards sat at their coronation banquet in the hall, though the festivities were greatly curtailed in consequence of the plague which was raging in the metropolis. Two years afterwards, the old Hall witnessed a very different scene, the trial of the handsome Sir Edward Digby, Guy Fawkes, and the other conspirators engaged in the memorable Gunpowder Plot, who were conveyed by water from the Tower to be tried by a special commission in Westminster Hall.

A scarcely less remarkable trial was that of the celebrated favorite, Robert Carr, Earl of Somerset, and his countess, who were arraigned before the bar of the House of Lords in Westminster Hall on the 24th and 25th of May, 1616, for the murder of Sir Thomas Overbury.

The countess was the first who was brought to trial; presenting the extraordinary spectacle of a young and beautiful woman being tried by her peers for a foul and unnatural murder. The lord chancellor, who acted as lord high steward, rode into Westminster Hall on *horse-back*. When the prisoner was brought to the bar, doubtless in consideration of her sex, the ceremony of carrying the axe before her was omitted. She stood pale and trembling, and during the reading of the indictment kept her face covered with her fan. She pleaded guilty of the crime; but beseeched the peers to intercede for her with the king, with so many tears and with such evident anguish of mind, that the bystanders, forgetting the horror of her crime in the touching sight of beauty in distress, were unable to withhold from her their commiseration.



The following day, the earl was brought with all due solemnity before the same tribunal in Westminster Hall. He is described as being dressed on the occasion in "a plain black satin suit, his hair curled, his face pale, his beard long, and his eyes sunk in his head:" he was also decorated with the George and Garter. According to Weldon, two persons were placed behind him at his trial, whose instructions were to throw a cloak over his face, and carry him off, should he exhibit the slightest intention of implicating the king. He pleaded innocent; but the peers bringing in a verdict of guilty, he was sentenced, with his countess, to be reconducted to the Tower, and from thence to be carried to the place of execution, where they were to be hanged like common criminals. They received at different times several reprieves; till, at last, in 1624, about four months previous to the death of James, they received a full pardon for their crime. In the reign of Charles the First, Somerset petitioned, though unsuccessfully, for the restoration of his estates. The guilty pair, during the remainder of their lives, resided together in a private and almost obscure condition. Their former passionate love was converted into abhorrence, and though inmates of the same house, they lived entirely separated and estranged. Such was the end of these two persons, both of them gifted with extraordinary beauty of person and of exalted rank; whose marriage had been solemnized a few years before in the palace of Whitehall, with greater splendor than had ever been witnessed in England at the espousals of a subject; and which even the citizens of London, in order to please their sovereign, had celebrated with all kinds of masks, dancing, and rejoicings.

Charles the First was crowned in Westminster Abbey on the 2nd of February, 1626, and afterwards dined in



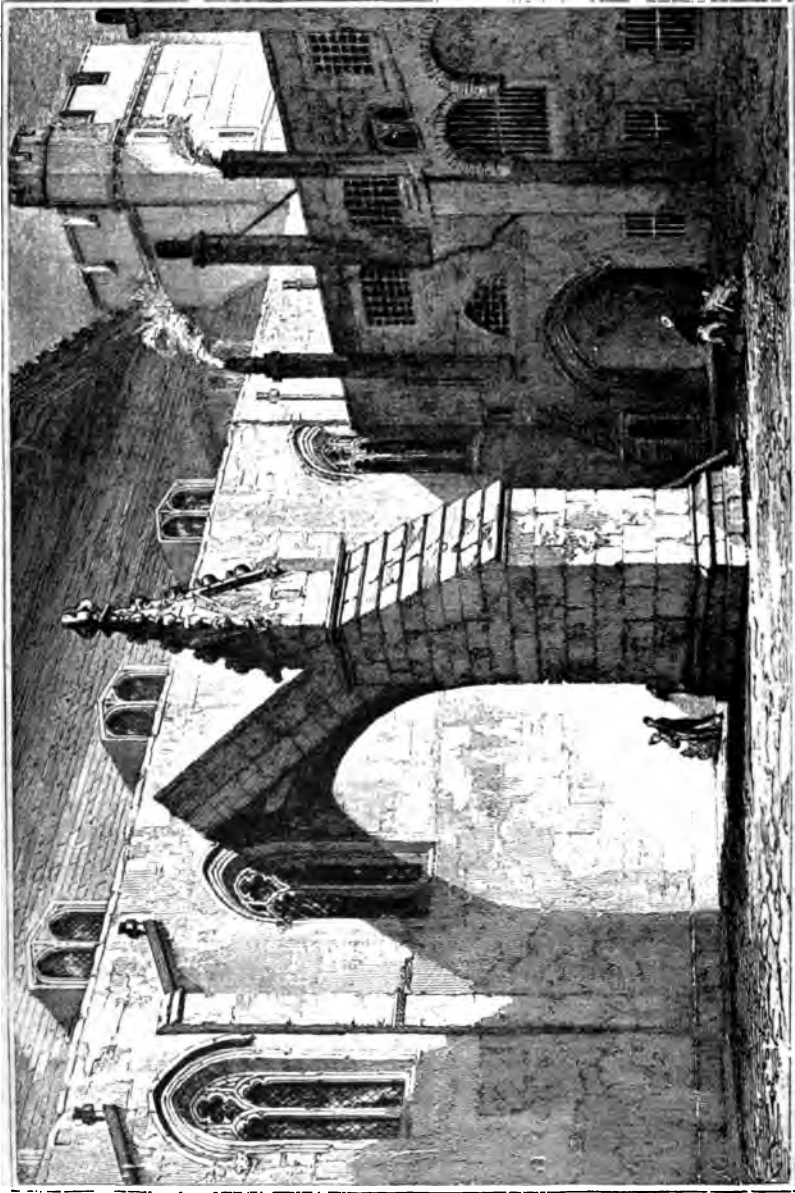
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WESTMINSTER HALL, OLD FLYING BUTTRESS.





the hall accompanied by the usual ceremonies. We are told that he was habited in a robe of white satin, which was probable intended to denote the purity of his intentions; but his predecessors having invariably been robed in purple at their coronations, it was inferred, we are told, by the superstitious that hereafter he would have to rely rather upon his own virtues and integrity, than upon the greatness of regal power. More than one other incident occurred at the time, which were regarded as extremely ominous to the young king, and which, considering the misfortunes of his subsequent career, were certainly singular coincidences. That which was thought particularly to forebode ill, was the golden dove falling from the sceptre during the coronation ceremony; while the text selected by Stenhouse, Bishop of Carlisle, for the sermon (Rev. ii. 10, "Be thou faithful unto death, and I will give thee a crown of life," &c.) was considered far more suitable for a funeral sermon than adapted to the gorgeous ceremonial of a coronation.

On the 22nd of March, 1641, Westminster Hall witnessed the trial of the stately and high-minded Thomas Wentworth, Earl of Strafford. It was a scene which, for grandeur and solemnity, has never been surpassed; presenting the extraordinary spectacle of a great and free people bringing an unpopular minister to the bar of justice, in spite of their sovereign, whose arm was powerless to save his minister and his friend. From the account of Rushworth, who was employed to take notes of the evidence, and from others who were present, we are able to form a tolerable conception of the memorable scene.

At the upper end of the hall was placed a throne for the king, and by the side of it a chair for the Prince of Wales, afterwards Charles the Second, then in his

eleventh year. The throne was vacant, but the young prince, dressed in his robes, occupied the place appointed for him. On each side of the throne were erected temporary closets, covered with tapestry, in one of which sat some French noblemen who were then in England, and in the other the king and queen, and several ladies of the court. In front of this box was a curtain, which had been placed there for the purpose of screening the royal party from observation, but Charles no sooner entered the box than he tore it down with his own hands. The queen and her ladies, we are told, were observed constantly taking notes during the trial.

Beneath the throne, on seats covered with green cloth, sat the peers in their parliamentary robes; and near them them the judges, on "sacks of wool," in their scarlet gowns. Lower down were ten ranges of seats for the members of the House of Commons. A bar, covered with green cloth, ran across the center of the hall, and behind were placed a table and desk for the convenience of the prisoner, and a chair which he could make use of if he felt fatigued. Close to him stood Sir William Balfour, the Lieutenant of the Tower. Strafford employed four secretaries, who sat on a desk behind him; and one side of them were the witnesses for the prosecution. Galleries were erected on each side of the hall, which were filled with the rank and beauty of the land; and here also sat apart such members of the House of Commons as were not actually concerned in the impeachment.

The trial of Strafford lasted from the 22nd of March to the 17th of April; nearly a month of miserable suspense; less, however, to the even-minded Strafford than to the unfortunate Charles, who, says Whitelock, "did passionately desire of them not to proceed severely against the Earl," and who was himself so shortly to

stand a prisoner at the same bar of justice at which the noble Strafford now stood. On each day of the trial, the Earl was brought by water from the Tower, six barges attending him, guarded by a hundred soldiers. On his landing at Westminster stairs, he was received by a hundred of the train bands, who conducted him into the hall, and afterwards stood guards at the doors. Strafford and the peers usually arrived about eight o'clock in the morning; the king generally preceding them by about half an hour. Principal Baillie, who was present, speaks of the scene as "daily the most glorious assembly the isle could afford;" and he has also supplied us with some interesting particulars relating to Strafford's carriage. "All being set," he writes, "the prince in his robes, in a little chair on the side of the throne, the chamberlain and black rod went out and brought in my Lord Strafford. He was always in the same suit of black. At the entry he made a low courtesy; proceeding a little, he gave a second; when he came to his desk, a third; then, at the bar, the fore-face of his desk, he kneeled; rising quickly, he saluted both sides of the house, and then sat down. Some few of the lords lifted their hats to him: this was his daily carriage."

The iniquitous proceedings, under the false pretense of being guided by law and justice, by which Strafford was brought to the block, are too well known to require repetition. He was already a prejudged and precondemned man, and his pathetic and brilliant eloquence filled the old Hall in vain. On the last day of his trial he was attended by his young children, who were allowed to stand by his side at the bar. Regarding them with looks of deep affection, and pointing towards them, he thus concluded his beautiful appeal to the vast audience: "My lords, I have now troubled your lordships a great deal longer than I should have done, were it not



for the interest of these pledges which a saint in heaven has left me." Here his feelings overcame him, and compelled him to pause for a few seconds. "I should be loth, my lords—what I forfeit for myself is nothing; but, I confess, that my indiscretion should forfeit for them, it wounds me very deeply. You will be pleased to pardon my infirmity; something I should have said, but I see I shall not be able, and therefore I will leave it. And, now, my lords, for myself, I thank God I have been, by his good blessing towards me, taught that the afflictions of the present life are not to be compared with that eternal weight of glory that shall be revealed to us hereafter. And, my lords, even so with all humility and all tranquillity of mind, I do submit myself clearly and freely to your judgments, and whether that righteous judgment shall be to life or to death,

"Te Deum laudamus, Te Deum confitemus."

Even the enemies of Strafford beheld his dignified demeanor and listened to his lofty eloquence with admiration, and Sir William Pennyman, after giving his evidence against him, burst into tears. But the strongest testimony of the sensation which he created is that of Whitelock, who was chairman of the committee of the house which drew up the impeachment, and who was little likely to be prejudiced in his favor. "Never," he says, "did any man ever act such a part, on such a theater, with more wisdom, constancy, judgment and temper, and with a better grace in all his words and actions, than did this great and excellent person; and he moved the hearts of all his auditors, some few excepted, to remorse and pity." On the 12th of May following, Strafford was beheaded on Tower Hill, displaying on the scaffold the same grace and dignity, the same humble submission to the will of heaven, and the same proud superiority over the machinations of his enemies, which,

amidst the assembled thousands in Westminster Hall, had drawn the tear from the eye of beauty, and had thrilled the heart even of the most acrimonious republican.

It must have been an extraordinary scene to those who witnessed it, when, on the 9th of January, 1649, a serjeant-at-arms rode into the middle of Westminster Hall, and, after a loud flourish of drums and trumpets, proclaimed to the astonished crowd that the Commons of England had determined on bringing King Charles the First to a solemn trial. But, twelve days afterwards, Westminster Hall presented a far more extraordinary scene, when the world beheld the amazing spectacle of a great nation sitting in judgment on its sovereign. Apart from the reflections to which such a sight must have given birth; apart from the astounding incident of the descendant of a long line of kings being arraigned as a criminal in the banqueting hall in which his forefathers had feasted amidst all the pomp of power; apart, we say, from all these considerations, the scene must have been imposing and magnificent in the extreme. At the upper end of the hall, on benches raised one above the other, and covered with scarlet, sat the king's judges, about seventy in number. In the center of them was a raised platform, on which was placed a chair of state for the president, Bradshaw, covered with crimson velvet, as was a desk placed before him for his use. Immediately in front of Bradshaw, though with a considerable space intervening between them, was placed a chair, covered also with velvet, for the king; the space between Charles and Bradshaw being filled with a large table, covered with a rich Turkey carpet, on which the mace and sword of justice were laid, and at which the two clerks of the court were seated. On either side of the hall galleries had been erected for the convenience

of the spectators; and behind, and on the right and left hand of the king, were arranged the soldiers and officers of the court; Cooke, the solicitor for the self-styled people of England, standing on the king's right hand. A strong bar ran across the center of the hall, behind which were crowded the populace in a dense mass; and for the protection of the judges, the leads and windows of the Hall were filled with soldiers.

At the entrance of the king into the hall, he was received from the custody of Colonel Hacker by the serjeant-at-arms, who conducted his majesty to his seat at the bar. After glancing sternly at the judges, and on the galleries on each side of him, he seated himself without either taking off his hat, or showing the least respect for the court. Some minutes afterwards, he rose from his chair, and turning round, fixed his eyes steadily on the guards and the dense mass of people behind him. While the indictment was being read, he sat unmoved, and preserved his usual calm and melancholy expression of countenance, except when some more absurd or daring allegation was laid to his charge, when he was occasionally observed to smile.

During the proceedings, a well-known incident occurred, which created a considerable sensation in the hall. The name of Fairfax, the Lord General, being called over, and no answer being returned, a female voice exclaimed from one of the galleries, "He has more wit than to be here." Again, in the course of reading the charges, when the proceedings were stated to be on behalf of the people of England, the same mysterious voice called out with increased energy, "No, not the hundredth part of them! It is false—where are they? Oliver Cromwell is a traitor!" The utmost confusion was the consequence, and Colonel Axtell even desired the soldiers to fire into the gallery from whence the

voice proceeded. It was soon discovered that the offender was the Lady Fairfax, the wife of the General, who was instantly compelled to retire.

The behavior of the President, Bradshaw—intoxicated with his extraordinary elevation from being an insignificant lawyer to be the judge of his sovereign—was inconceivably brutal. At the close of the day's proceedings, the vulgar insolence of manner with which he ordered the guards to remove their prisoner, ruffled even the calm temper of Charles. Pointing with his cane to the mace which was lying on the table, "Sir," he said, "I do not fear *that*."

The following morning the king was conducted from Whitehall to Westminster by water. On being brought into the hall, his countenance changed color, and he seems to have been much affected by the soldiers receiving him with loud cries for "justice;" he attributed it afterwards, however, and perhaps with reason, to their being instigated by their officers. "Poor souls," he said, "for a little money they would do as much against their commanders." It was on this day (according to the evidence given by Sir Purbeck Temple, at the trial of Colonel Axtell) that the soldiers "did fire powder in the palms of their hands, that did not only offend his majesty's smell, but enforced him to rise up out of his chair, and with his hand to turn away the smoke; *and after this he turned about to the people and smiled upon them, and those soldiers that so rudely treated him.*"

As he was quitting the hall, one of the common soldiers, of a kinder nature than his fellows, as the king passed by, exclaimed, "God bless you, sir!" Charles was gratified, and thanked him, but the man's officer, overhearing the benediction, struck him severely on the head with his cane. "Methinks," said the king, "the punishment exceedeth the offense." One person was

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actually brutal enough to spit at the meek monarch: Charles quietly wiped his face. "My Saviour," he remarked, "suffered more than this for me."

On the third day of the trial nothing remarkable happened, except the rather singular coincidence of the gold head of the king's walking-cane falling off, which Charles himself, who was singularly superstitious even for the age he lived in, regarded as an ill omen.

On the fourth day—the last and most memorable of the trial—Bradshaw entered Westminster Hall in his scarlet gown, a signal to the king that his doom was fixed, and before another sun had set his doom would be pronounced. Silence having been commanded, Bradshaw commenced a vulgar and tedious tirade, in which the king was accused of being the author of "all the late unnatural, cruel, and bloody wars; of all the murders, rapines, burnings, spoils, desolations, damages, and mischief, occasioned by, and committed during the said wars," for which, "treasons and crimes," this court, said the President, "doth adjudge that he, the said Charles Stuart, as a tyrant, traitor, murderer, and public enemy, shall be put to death by severing his head from his body." Charles listened calmly to the reading of the sentence, and, at its conclusion, lifted up his eyes as if pleading for that mercy in heaven, which he was denied by his persecutors on earth.

The last—the only favor asked by Charles—was permission to address a few words to his judges. But even this, with inconceivable brutality and bad taste, was refused, and the following remarkable dialogue took place:

*Bradshaw.*—Sir, you are not to be heard after the sentence.

*Charles.*—No, sir?

*Bradshaw.*—No sir, by your favor. Guards withdraw your prisoner.

*Charles.*—I may speak after the sentence, by your favor, sir, I may speak after the sentence, ever. By your favor——

*Bradshaw.*—Hold!

*Charles.*—The sentence, sir; I say, sir, I do——

*Bradshaw.*—Hold!

*Charles.*—I am not suffered to speak! expect what justice the people will have.

Before he could say more, the king was hurried off by his guards. As he passed for the last time through that famous hall, the banqueting room of the kings his ancestors, he was insulted in the grossest manner by the poor hirelings whom he passed; the soldiers smoking their tobacco in his face, and throwing their pipes before him in his path; besides heaping on him the lowest and most virulent abuse.

On the 26th of June, 1657, Westminster Hall witnessed the extraordinary scene of the installation of Oliver Cromwell as Lord Protector of the Commonwealth of Great Britain and Ireland, on the same spot on which a few years before, he had sat in judgment on his unfortunate sovereign. The ceremony was conducted with as much splendor as if it had been the coronation of one of the ancient kings. On a raised platform, under a splendid canopy, sat the subverter of monarchy, on the same throne on which the Tudors and Plantagenets had taken their coronation oaths, and which had been brought from the abbey for the purpose. When Cromwell had previously been sworn into the office of Lord Protector, in 1653, we find him simply dressed in a suit and cloak of black velvet, long boots, and the only extraneous ornament, a broad band of gold round his hat. But the usurper had for some time been amusing himself with the trappings, and aping the airs, of royalty, and we now find him clad in robes of

purple velvet lined with ermine, and even holding the sceptre in his hand. Before him was set a table, covered with pink-colored Geneva velvet, fringed with gold, on which were placed the Bible, the sword, and the sceptre of the Commonwealth. On each side of the Hall were erected temporary galleries, in which sat the Protector's family, the spectators, and the members of the House of Commons; Sir Thomas Widdrington, the Speaker, being the only person honored with a seat near the Protector. As soon as the oath was taken, the heralds, after a flourish of trumpets, proclaimed him, with all the usual formalities, Lord Protector of England, Scotland, and Ireland. Exactly three years afterwards, the head of Cromwell—a ghastly object—was affixed to a pole on the roof of that very apartment, in which he now sat in all the pomp and pride of usurped power. By the side of that of Cromwell, were also affixed on poles the heads of Ireton and Bradshaw.

In the time of Cromwell, and up to a later period, it is curious to find Westminster Hall used as a fashionable lounging-place, where the gay and idle assembled to discuss the news and gossip of the day. Here, too, books, and apparently all kinds of articles, were exposed for sale. Pepys especially mentions, in 1660, buying, "among other books, one of the life of our queen, which I read at home to my wife, but it was so sillily writ that we did nothing but laugh at it." As late as the middle of the last century, Westminster Hall, except when required for state purposes, appears to have presented the appearance rather of a bazaar than a banqueting hall. On each side of it were arranged bookshelves and stalls, on which books, mathematical instruments, prints, and even articles of ladies' dress, were exposed for sale.

On the 8th of May, 1660, to the great disgust and ab-

horrence of the old Puritan and Republican party, Charles the Second was proclaimed by the heralds King of Great Britain and Ireland in front of Westminster Hall; the members of the House of Commons standing by, bare-headed. On the 23rd of April, the following year, Charles was solemnly crowned in the Abbey, and the same day the "merry monarch" kept his coronation feast with great magnificence in the old Hall, where twenty years before he had listened, a mere child, to the dying eloquence of the ill-fated Strafford. Since that time how many revolutions of fortune had the old Hall witnessed! Since then, his own unfortunate father, the princely Hamilton, the gay and graceful Holland, and the virtuous and high-minded Lord Capel, surrounded by guards and preceded by the fatal axe, had severally passed under its massive portal, never to cross its threshold again. Since then, the mighty Cromwell had sat there arrayed in purple and ermine, and now he was beneath the gibbet at Tyburn. The empire, too, of the Second Cromwell had passed away, and he who, a few months before, had received a greater number of fulsome addresses from the people of England than had ever congratulated the accession of a legitimate sovereign, was now a proscribed fugitive in a foreign land. And these were men, many of them of rare virtues or of exalted talent; while Charles, without any merit of his own, was now quietly seated at the gay and gorgeous banquet, bandying wit and repartee with the frolicsome Buckingham, or exchanging looks of love and gallantry with the bright eyes which glanced down on the young monarch from the silken galleries above.

James the Second was crowned in Westminster Abbey with his consort, the young and lovely Mary of Modena, on the 23rd of April, 1685, and afterwards partook of a "most sumptuous and magnificent" banquet in the

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Hall. At the coronation of the misguided monarch more than one incident occurred, which his subjects regarded as ominous of future ill, and they certainly were remarkable coincidences. At the moment when the Tower guns announced that the king was crowned, the royal standard was blown from the White Tower; the canopy over the king's head was observed to be unaccountably rent; and in one of the London churches, a window, in which the royal arms were beautifully painted, fell down without any apparent cause. But that which was considered in the last degree ominous, was the circumstance of the crown tottering on the king's head. It seems it would have dropped to the ground, had not Henry Sidney, the brother of the lamented and high-minded Algernon Sidney, stepped forward and prevented its falling. "It was not the first occasion," he said, "that his family had supported the crown."

During the short and dark reign of James the Second, the only incident of great interest associated with Westminster Hall is the memorable trial of the Seven Bishops, with the Archbishop of Canterbury at their head—the most important, perhaps, that ever took place under its venerable roof. On the day of their trial, the 29th of June, 1688, the Bishops were conducted from the Tower to Westminster by water; the banks of the river, on both sides, being crowded with an immense mass of anxious spectators, who followed the barge with their eyes, and audibly offered up their prayers for the persecuted fathers of the church. On being arraigned at the bar in Westminster Hall, the venerable appearance of the aged prelates, the position in which they stood as the meek but undaunted champions of the civil and religious liberties of their fellow-countrymen, as well as the crowded thousands who filled the Hall, presented one of the most imposing scenes of which we can form any no-

tion. After sitting up all night, the jury made their re-appearance in the Hall before the anxious and excited audience. The wished-for verdict of "Not guilty" was returned, when the roof of the old Hall rang with such a universal shout of joy as had not often been heard within its walls; the same shout was echoed through the cities of Westminster and London, and in a short time was echoed back by the army on Hounslow Heath, where the king was dining with the general, Lord Faversham, in his tent. Being informed of the cause of the uproar, the bigoted monarch appears to have been startled for the moment; but while every one but himself was watching the brooding of the storm, which was so soon to burst over his head, he alone remained obstinate, blind and perverse.

William the Third and his consort, Queen Mary, were crowned in Westminster Abbey, on the 11th of April, 1689, and afterwards banqueted in the hall with the usual pomp and ceremony, Dymoke, the champion, making the customary challenge. "It was as usual," says Reresby, "a splendid sight: the procession to the abbey was quite regular, though not so complete in the number of nobility as at the two last solemnities of the same kind. Particular care was had of the House of Commons, who had a place prepared for them to sit in, both in the church and in the hall. They had tables spread for them, to which I among other friends, had the honor of being admitted, so that I had a very fair opportunity of seeing all that passed."

It was in this reign that Peter the Great of Russia paid a visit to England, and, among other places, was conducted by the Marquis of Carmarthen, who was appointed to attend him during his visit, into Westminster Hall. To a despotic monarch, what a host of startling reflections was that hall capable of exciting! But we

mention the visit of the Czar rather for the purpose of recording an amusing incident. It happened to be term time, and the vast area was, as usual at such seasons, crowded with lawyers in their wigs and gowns. Peter appeared to be struck with the sight, and inquired who these persons could possibly be? Being informed by Lord Carmarthen, that they were all persons of the legal profession, he appeared quite confounded. "Lawyers!" he exclaimed, "why, I have only *two* in all my dominions, and I believe I shall hang one of them the moment I get back."

On the 23rd of April, 1702, Queen Anne was crowned in Westminster Abbey. The banquet in the hall was solemnized with the customary splendor and rejoicings; her consort, Prince George of Denmark, sitting on her right hand under the same canopy. Two years afterwards, Westminster Hall presented the cheering spectacle of being hung with the trophies won by the great Marlborough at Blenheim—that memorable battle in which, out of an army consisting of sixty thousand men, the French and Bavarians lost, in killed, wounded, and prisoners, forty thousand, including fifteen hundred officers and the greater number of their generals. The trophies, suspended in Westminster Hall, consisted of no less than one hundred and twenty-one standards, and one hundred and seventy-nine colors. Since the days when Hannibal sent three bushels of gold rings to Carthage, stripped from the dead bodies of the Roman knights on the field of Cannae, never, perhaps, had so many trophies adorned the triumph of a general.

We have recently made a passing reference to the singular and chequered fortunes of the second Protector, Richard Cromwell. In the reign of Queen Anne, when he had arrived at a very advanced age, a law-suit, in which his daughters had unfortunately engaged him,

compelled him to visit London for the purpose of giving evidence at the Court of King's Bench, Westminster. While his cause was pending, curiosity induced him to wander into the hall, which, half a century before, had been the scene of his father's and his own splendor. His reflections may be more readily imagined than described. Wandering on, he entered the House of Lords, fraught with no less strange and painful associations. The peers happened to be sitting at the time, when a stranger, mistaking him for a mere country gentleman who had been attracted there by curiosity, inquired of him if he had ever beheld such a scene? "*Never,*" replied the old man, pointing to the throne, "*since I sat in that chair!*" When Richard Cromwell appeared in court, his venerable appearance, and the exalted position which he had once filled, appear to have excited an extraordinary sensation. The judge ordered him to be conducted into a private apartment where refreshments were in readiness; he directed a chair to be brought into court for his convenience, and insisted that, on account of his age, he should remain covered. When the council on the opposite side objected, for some reason, to the indulgence of the chair, the judge said: "I will allow of no reflections to be made, but that you go to the merits of the cause." It was to the credit of Queen Anne, that she appreciated and had the good taste to express her approbation of the conduct of the presiding judge.

The only other incident of any interest connected with Westminster Hall in the reign of Queen Anne, was the trial of the celebrated Dr. Sacheverel, which took place here before the peers on the 27th of February, 1710. The sentence passed on him, that he was not to preach for three years, was regarded by the people as a triumph, and was hailed by them with acclamations as loud as

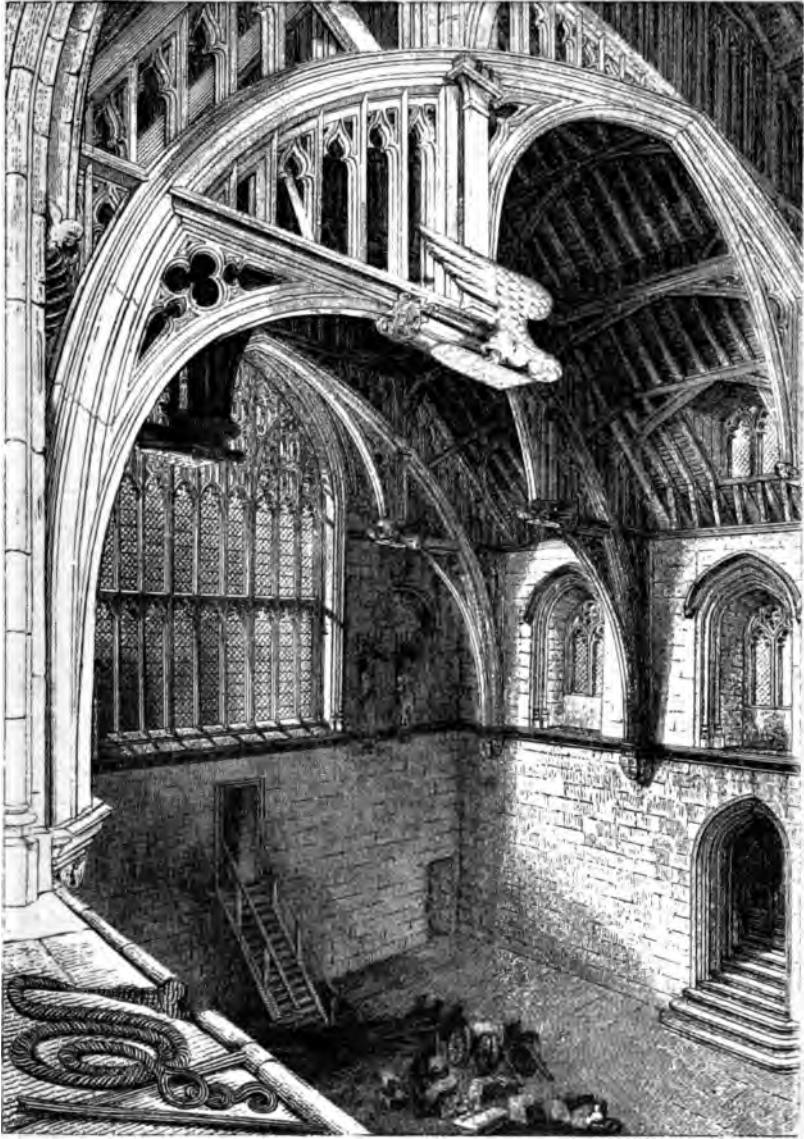
those which had attended the acquittal of the Seven Bishops.

The first of our German sovereigns, George the First, was crowned and feasted at Westminster, the usual ceremonies being performed, if with less popular enthusiasm, at least with as much magnificence as had attended the coronation ceremonials of the Phantagenets or the Stuarts.

On the 10th of January, 1716, were arraigned at the bar of the House of Lords, in Westminster Hall, the Earls of Derwentwater, Nithisdale and Carnwath, and the Lords Widrington, Kenmure and Nairn. The Hall, as usual on such occasions, presented an imposing and magnificent scene. The area behind the bar was crowded with thousands of spectators; the peers and judges sat in their robes; the galleries were filled with the rank and beauty of the land; the Commons of Great Britain, with great solemnity, presented the articles of impeachment at the bar of the House of Lords; and the prisoners were led into the Hall with the usual formalities, surrounded by soldiers, and with the back of the axe turned towards them.

The peers having returned a verdict of guilty on the 9th of February, these unfortunate noblemen were again brought to the bar in Westminster Hall to receive their sentence. When asked by the lord high steward if they had anything to advance why judgment should not be pronounced against them, they severally threw themselves on the king's mercy, admitting their offense, and declaring that if the royal clemency should be extended towards them, they would continue dutiful and devoted subjects to the end of their lives. The appearance and demeanor at the bar of the young and gallant Derwentwater excited the warmest commiseration in the vast audience. "The terrors of your lordships' just sen-





WESTMINSTER HALL, INTERIOR.







tence," he said, "which at once deprives me of my life and estate, and completes the misfortunes of my wife and innocent children, are so heavy upon my mind, that I am scarcely able to allege what may extenuate my offense, if anything can do it. I have confessed myself guilty; but, my lords, that guilt was rashly incurred without any premeditation." Lord Nairn also pathetically pleaded the cause of his wife and twelve children.

The lord steward having answered, at some length, the arguments advanced by the unfortunate lords, in extenuation of their offense, proceeded to pass on them the awful sentence awarded for high treason. The Lords Derwentwater and Kenmure were beheaded on the same scaffold, on Tower Hill, on the 24th of February, 1716; the Earl of Nithisdale, by means of his heroic countess, contrived to escape from the Tower in female attire; and the Earl of Carnwath, and Lords Widrington and Nairn, after remaining in prison till 1717, were released by the Act of Grace, with the forfeiture of their titles and estates.

The only other event of any interest connected with Westminster Hall, in the reign of George the Second, was the arraignment of the celebrated statesman, Robert Harley, Earl of Oxford, for high crimes and misdemeanors, on the 24th of June, 1717. The king, the royal family, and the foreign ambassadors were present; and, with the usual ceremonials, the Earl was conducted from the Tower, and led to the bar. It was the object, however, of the ministry to prevent, if possible, an investigation which was likely to reflect but little credit on their own conduct. By means, therefore, of Mr. Walpole, afterwards Sir Robert, a feigned quarrel was got up between the two Houses, long discussions took place as to the mode of conducting the impeachment and trial; and, at the close of the day, it was declared to be

unlikely in the extreme that they should ever come to a mutual understanding. Accordingly, on the 1st of July, the lords again took their seats in Westminster Hall; the prisoner was called to the bar, and no prosecutors appearing, the Earl was unanimously acquitted, and, after an imprisonment of two years, was restored to his liberty.

George the Second was crowned in Westminster Abbey, on the 11th of October, 1727, and the banquet was afterwards held in the hall with the usual splendor and formalities. But from the coronation festivities of this uninteresting monarch, we turn with far more interest to the splendid and imposing scene presented by Westminster Hall, when those gallant and devoted followers of the fortunes of Charles Edward, the Earls of Cromartie and Kilmarnoch, and Lord Balmerino, were arraigned as criminals under its roof. At eight o'clock in the morning, on the 28th of July, 1746, they were conducted from the Tower to Westminster, in three coaches, attended by a strong guard of foot soldiers, and as soon as the peers had assembled in Westminster Hall, proclamation was made for their appearance. They were then brought to the bar, preceded by the gentleman jailer, who carried the axe with the blunt part towards them. The usual compliments having passed between the prisoners and the peers, the indictments were read with all the customary formalities.

The trial scene of the insurgent lords is graphically described by Horace Walpole, in one of the most interesting of his charming letters. To Sir Horace Mann he writes, on the 1st of August, 1746: "I am this moment come from the conclusion of the greatest and most melancholy scene I ever yet saw! You will easily guess it was the trials of the rebel lords. As it was the most interesting sight, so it was the most solemn and fine: a

coronation is a puppet-show, and all the splendors of it idle; but this sight at once feasted one's eyes, and engaged all one's passions. It began last Monday; three-parts of Westminster Hall were enclosed with galleries, and hung with scarlet; and the whole ceremony was conducted with the most awful solemnity and decency, except in the one point of leaving the prisoners at the bar, amidst the idle curiosity of some crowd, and even with the witnesses who had sworn against them, while the lords adjourned to their house to consult. No part of the royal family was there, which was a proper regard to the unhappy men, who were become their victims. One hundred and thirty-nine lords were present, and made a noble sight on their benches frequent and full! The chancellor<sup>1</sup> was lord high steward; but, though a most comely personage with a fine voice, his behavior was mean, curiously searching for occasion to bow to the minister<sup>2</sup> that is no peer, and consequently applying to the other ministers, in a manner, for their orders; and not even ready at the ceremonial. To the prisoners he was peevish, and instead of keeping up the humane dignity of the law of England, whose character is to point out favor to the criminal, he crossed them, and almost scolded at any offer they made towards defense. I had armed myself with all the resolution I could, with the thought of their crimes and the danger past, and was assisted by the sight of the Marquis of Lothian,<sup>3</sup> in weepers for his son, who fell at Culloden—but the first appearance of the prisoners shocked me! their behavior melted me!”

“For Lord Balmerino,” adds Walpole, “he is the most natural brave old fellow I ever saw; the highest

<sup>1</sup> Lord Hardwicke.

<sup>2</sup> Henry Pelham.

<sup>3</sup> William Kerr, third Marquis of Lothian, whose second son, Lord Robert Kerr, had been killed at the battle of Culloden.

intrepidity, even to indifference. At the bar he behaved like a soldier and a man; in the intervals of form, with carelessness and humor. He pressed extremely to have his wife, his pretty Peggy, with him in the Tower. Lady Cromartie only sees her husband through the grate, not choosing to be shut up with him, as she thinks she can serve him better by her intercession without; she is big with child, and very handsome, so are her daughters. When they were to be brought from the Tower in separate coaches, there was some dispute in which the axe must go. Old Balmerino cried: 'Come, come, put it with me.' At the bar, he plays with his fingers upon the axe, while he talks with the gentleman jailer; and one day somebody coming up to listen, he took the blade and held it like a fan between their faces. During the trial a little boy was near him, but not tall enough to see; he made room for the child, and placed him near himself.

"When the trial began, the two Earls pleaded guilty, Balmerino not guilty, saying, he could prove his not being at the taking of the Castle of Carlisle, as was laid in the indictment. Then the king's counsel opened, and Sergeant Skinner pronounced the most absurd speech imaginable, and mentioned the Duke of Perth, 'who,' said he, 'I see by the papers is dead.' Then some witnesses were examined, whom afterwards the old hero shook cordially by the hand. The lords withdrew to their house, and returning, demanded of the judges, whether one point not being proved, though all the rest were, the indictment was false? To which they unanimously answered in the negative. Then the lord high steward asked the peers severally, whether Lord Balmerino was guilty? All said, 'Guilty, upon honor,' and then adjourned, the prisoner having begged pardon for giving them so much trouble. While the lords were

withdrawn, the Solicitor General Murray (brother of the pretender's minister) officiously and insolently went up to Lord Balmerino, and asked him how he could give the lords so much trouble, when his solicitor had informed him that his plea could be of no use to him? Balmerino asked the bystanders who this person was? and, being told, he said, 'Oh, Mr. Murray? I am extremely glad to see you; I have been with several of your relations; the good lady, your mother, was of great use to us at Perth.' Are you not charmed with this speech? How just it was! As he went away he said, 'They call me Jacobite; I am no more a Jacobite than any that tried me; but if the Great Mogul had set up his standard, I should have followed it, for I could not starve.'"

"When the peers were going to vote," proceeds Walpole, "Lord Foley withdrew as too well a wisher; Lord Moray, as nephew of Lord Balmerino; and Lord Stair, as, I believe, uncle to his great grandfather. Lord Windsor very affectedly said: 'I am sorry I must say, guilty, upon my honor.' Lord Stamford would not answer to the name of Henry, having been christened Harry: what a great way of thinking on such an occasion! I was diverted, too, with old Norsa, the father of my brother's concubine, an old Jew that kept a tavern. My brother, as auditor of the exchequer, has a gallery along one whole side of the court. I said: 'I really feel for the prisoners!' Old Issachar replied: 'Feel for them! pray, if they had succeeded, what would have become of all us?' When my Lady Townshend heard her husband vote, she said: 'I always knew *my* lord was *guilty*, but I never thought he would own it *upon his honor*.' Lord Balmerino said that one of his reasons for pleading *not guilty* was that so many ladies might not be disappointed of their show."

Having been found guilty by the unanimous verdict of their peers, the prisoners were recalled to the bar, and having been informed by the Lord Steward, that on the day following the next, sentence would be passed upon them, they were reconducted to the Tower, with the edge of the axe turned towards them. Accordingly, on the 30th of July, they were again brought to the bar of Westminster Hall to receive judgment, but in consequence of a technical objection raised by Lord Balmerino, the court was once more adjourned to the 1st of August, in order to enable him to obtain the assistance of counsel. On that day, the peers again assembled in Westminster Hall, when the prisoners were called upon, with the usual formalities, to state if they had any objection to raise why sentence of death should not be passed upon them. They all answered in the negative, Lord Balmerino adding, that his counsel had satisfied him there was nothing in the objection which he had raised which could do him service, and that he therefore regretted that he had occasioned so much trouble to their lordships. The Lord Steward then addressed them in a pathetic speech, and concluded by passing on them the dreadful sentence which the law awards for the crime of high treason. The prisoners were then removed; the Lord Steward broke his staff, and declared the commission to be dissolved.

Eight months afterwards, the same imposing spectacle was exhibited in Westminster Hall, at the trial of the celebrated Lord Lovat, who now stood a prisoner before his peers, after a long life of craft and profligacy, at the almost patriarchal age of eighty. Horace Walpole writes to Sir Horace Mann, on the 20th of March, 1747, "I have been living at old Lovat's trial, and was willing to have it over before I talked to you of it. It lasted seven days. The evidence was as strong as possible ;

and after all he had denounced, he made no defense. The solicitor general,<sup>1</sup> who was one of the managers for the House of Commons, shone extremely; the attorney general,<sup>2</sup> who is a much greater lawyer, is cold and tedious. The old creature's behavior has been foolish, and at last indecent. I see little of parts in him, nor attribute much to that cunning for which he is so famous: it might catch wild Highlanders: but the art of dissimulation and flattery is so refined and improved, that it is of little use now where it is not very delicate. When Sir Everard Falkner," adds Walpole, "had been examined against Lovat, the Lord High Steward asked the latter if he had anything to say to Sir Everard: he replied, 'No; but that he was his humble servant, and wished him joy of his young wife.' The two last days he behaved ridiculously, joking, and making every body laugh even at the sentence. He said to Lord Ilchester, who sat near the bar: '*Je meurs pour ma patrie, et ne m'en soucie guères.*' When he withdrew he said: 'Adieu, my lords, we shall never meet again in the same place.' He says he will be hanged; for that his neck is so short and bended, that he should be struck in the shoulders. I did not think it possible to feel so little as I did at so melancholy a spectacle; but tyranny and villany, wound up by buffoonery, took off all edge of concern. The foreigners were much struck." This extraordinary man, notwithstanding his buffoonery at his trial, his vices, and the exceeding infamy of his career, died with a dignity which would have done credit to an ancient Roman. Walpole writes, on the 10th of April: "Old Lovat was beheaded yesterday, and died extremely well, without passion, affectation, buffoonery, or timidity; his behavior was natural and intrepid." He jested

<sup>1</sup> William Murray, afterwards the celebrated Lord Mansfield.

<sup>2</sup> Sir Dudley Ryder, afterwards Lord Chief Justice.



with the executioner on the subject of his melancholy occupation, and died with the beautiful line of Horace on his lips: "*Dulce et decorum est pro patria mori.*"

George the Third, with his consort, Charlotte of Mecklenberg Strelitz, was crowned at Westminster, on the 22nd of September, 1761; and afterwards sat at his coronation banquet in the hall with his young bride, attended by all the formalities and ceremonials which had been dignified by the custom of past ages. And, looking down from one of the galleries, sat one, who, in a disguised habit, and with his face half concealed, was no unconcerned spectator of that gorgeous scene. This person was he, who, in his youth, had been the idol of the rude and devoted Highlanders who had fought their way to Derby with their claymores in 1745; the young hero of Preston Pans and Falkirk, the descendant of an hundred kings; he who, by the right of legitimate descent, and who, but for the bigotry of his grandfather, James the Second, would have sat on the splendid throne which he now saw occupied by the German alien who was the usurper of his rights. David Hume writes to Sir John Pringle, on the 10th of February, 1773: "What will surprise you, Lord Maréchal, a few days after the coronation of the present king, told me that he believed the young Pretender was at that time in London, or at least had been so very lately, and had come over to see the show of the coronation, and had actually seen it. I asked my lord the reason for this strange fact. 'Why,' says he, 'a gentleman told me that saw him there, and that he even spoke to him, and whispered in his ears these words: 'Your royal highness is the last of all mortals whom I should expect to meet here.' 'It was curiosity that led me,' said the other, 'but I assure you that the person who is the object of all this pomp and magnificence, is the man I envy least.'

*What if the Pretender had taken up Dymock's gauntlet?"*

We have already lingered at too great length on the scenes which have taken place in Westminster Hall. But to those who delight in graphic descriptions of the manners and customs of past times, the picture is of equal interest, whether it be borrowed from the pages of an ancient monkish chronicler, or from a gossiping writer of modern times; from the grave chronicles of Fabian and Matthew Paris, of Hall and Holinshed, to the charming pages of Horace Walpole; whether it be a description of the Black Prince as he gallantly presented himself in Westminster Hall after the battle of Poitiers, or of George Selwyn mystifying with witty nonsense the ermined and bedizened Lady Harrington at the coronation of George the Third.

We have mentioned William Rufus "feasting royally" in the eleventh century in Westminster Hall; and as a curious contrast we will let Walpole describe a similar scene as it was presented, nearly eight hundred years afterwards, in the middle of the last century. To George Montague he writes, on the 24th September, 1761: "For the coronation, if a puppet show could be worth a million, that is. The multitudes, balconies, guards and processions, made Palace Yard the liveliest spectacle in the world; the Hall was the most glorious. The blaze of lights, the richness and variety of habits, the ceremonial, the benches of peers and peeresses, frequent and full, was as awful as a pageant can be; and yet for the king's sake and my own, I never wish to see another, nor am I impatient to have my Lord Effingham's promise fulfilled. The king complained that so few precedents were kept for their proceedings. Lord Effingham owned the Earl Marshal's office had been strangely neglected; but he had taken such care for the

future that the 'next coronation' would be regulated in the most exact manner imaginable. The number of peers and peeresses present was not very great; some of the latter with no excuse in the world appeared in Lord Lincoln's gallery, and even walked about the hall indecently in the intervals of the procession. My Lady Harrington, covered with all the diamonds she could borrow, hire, or seize, and with the air of Roxana, was the finest figure at a distance; she complained to George Selwyn that she was to walk with Lady Portsmouth, who would have a wig and a stick. 'Pooh,' said he, 'you will only look as if you were taken up by the constable.' She told this everywhere, thinking the reflection was on my Lady Portsmouth. Lady Pembroke alone, at the head of the countesses, was the picture of majestic modesty; the Duchess of Richmond as pretty as nature and dress, with no pains of her own, could make her; Lady Spenser, Lady Sunderland, and Lady Northampton, very pretty figures; Lady Kildare still beauty itself, if not a little too large. The ancient peeresses were by no means the worst party. Lady Westmoreland still handsome, and with more dignity than all. The Duchess of Queensbury looked well, though her locks are milk white; Lady Albemarle very genteel; nay, the middle age had some good representatives in Lady Holderness, Lady Rockford, and Lady Strafford, the perfectest little figure of all. My Lady Suffolk ordered her robes, and I dressed part of her head, as I made some of my Lord Hertford's dress, for you know no profession comes amiss to me, from the tribune of the people to a habit maker. Don't imagine that there were not figures as excellent on the other side; old Exeter, who told the king he was the handsomest man she ever saw; old Effingham, and a Lady Say and Seale, with her hair powdered, and her tresses black, was an excellent contrast to the handsome.

Lord B—— put on rouge upon his wife and the Duchess of Bedford in the Painted Chamber: the Duchess of Queensbury told me of the latter, that she looked like an orange peach, half red and half yellow. The coronets of the peers and their robes disguised them strangely; it required all the beauty of the Dukes of Richmond and Marlborough to make them noticed. One there was, though of another species, the noblest figure I ever saw, the High Constable of Scotland, Lord Errol; as one saw him in a space capable of containing him, one admired him. At the wedding, dressed in tissue, he looked like one of the giants in Guildhall new gilt. It added to the energy of his person, that one considered him acting so considerable a part in that very hall where so few years ago one saw his father, Lord Kilmarnock, condemned to the block. The champion acted his part admirably, and dashed down his gauntlet with proud defiance. His associates, Lord Effingham, Lord Talbot, and the Duke of Bedford, were woeful; Lord Talbot piqued himself on backing his horse down the hall, and not turning its rump towards the king, but he had taken such pains to dress it to that duty, that it entered backwards, and at his retreat the spectators clapped a terrible indecorum.”

On the 16th of April, 1765, William, fifth Lord Byron, was tried before his peers in Westminster Hall, for the manslaughter of William Chaworth, Esq. The circumstances under which Lord Byron killed his neighbor and friend, have been often related. The duel, originating in a most trifling dispute, took place in the Star and Garter Tavern in that street; the combatants fighting with swords in a solitary apartment, without witnesses or seconds, and by the light of a single candle. Fortunately for Lord Byron, Mr. Chaworth was able before he died to exonerate his antagonist from blame,

and he declared the duel to have been a fair one. Horace Walpole writes to the Earl of Hertford: "Lord Byron has not gone off, but says he will take his trial, which, if the coroner brings a verdict of manslaughter, may, according to precedent, be in the House of Lords, and without the ceremonial of Westminster Hall. George Selwyn is much missed on this occasion, but we conclude it will bring him over." The following month Gilly Williams writes to George Selwyn: "I suppose Byron has told you himself, that he intends to surrender as soon as Westminster Hall is ready for him. It will be a show for a day to the queen and the foreign ministers, but cannot possibly be attended with any ill consequences to the culprit." Lord Byron was found guilty by his peers, there being a majority of one hundred and fourteen against four; but claiming the privilege of peerage under a statute passed in the reign of Edward the Fourth, he was discharged. The eccentricities of this extraordinary person, his subsequent strange career, living in a state of austere and almost savage seclusion, have been rendered familiar to us by the memories of his no less eccentric heir and great nephew, the author of *Cain* and *Don Juan*.

On the 15th of April, 1776, the profligate and once beautiful Duchess of Kingston underwent her trial in Westminster Hall, for having married Evelyn Pierrepont, Duke of Kingston, her first husband, Augustus, third Earl of Bristol, being still alive. Hannah More, who was present, thus describes the scene: "Garrick would have me take his ticket to go to the trial of the Duchess of Kingston, a sight which for beauty and magnificence exceeded anything which those who were never present at a coronation or trial by peers, can have the least notion of. Mr. Garrick and I were in full dress by seven. You will imagine the bustle of five thousand

people getting into one hall ; yet, in all this hurry we walked in tranquilly. When they were all seated, and the king-at-arms had commanded silence on pain of imprisonment (which however was very ill observed) the gentleman of the black rod was commanded to bring in his prisoner. Elizabeth, calling herself Duchess dowager of Kingston, walked in, led by black rod and Mr. La Roche, curtsying profoundly to her judges. The peers made her a slight bow. The prisoner was dressed in deep mourning ; a black hood on her head, her hair modestly dressed and powdered, a black silk sacque with crape trimmings, black gauze, deep ruffles, and black gloves. The counsel spoke about her an hour and a quarter each. Dunning's manner is insufferably bad, coughing and spitting at every three words, but his sense and his expression pointed to the last degree ; he made her grace shed bitter tears. The fair victim had four virgins in white behind the bar. She imitated her great predecessor, Mrs. Ruda, and affected to write very often, though I plainly perceived she only wrote as they do their love epistles on the stage, without forming a letter. The Duchess has but small remain of that beauty of which kings and princes were once so enamored. She looked much like Mrs. Pritchard. She is large and ill-shape ; there is nothing white but her face, and had it not been for that, she would have looked like a bale of bombazeen. There was a great deal of ceremony, a great deal of splendor, and a great deal of nonsense ; they adjourned upon the most foolish pretenses imaginable, and did nothing with such an air of business as was truly ridiculous. I forgot to tell you the Duchess was taken ill, but performed it badly." The writer adds in a subsequent letter : " I have the great satisfaction of telling you, that Elizabeth, calling herself Duchess Dowager of Kingston, was this very after-

noon undignified and unduchessed, and very narrowly escaped being burned in the hand. If you have been half so much interested against this unprincipled, artful, licentious woman as I have, you will be rejoiced at it as I am. Lord Camden breakfasted with us. He is very angry that she was not burned in the hand; he says, as he was once a professed lover of hers, he thought it would have looked ill-natured and ungallant for him to propose it, but that he should have acceded to it most heartily, though he believes he should have recommended a cold iron." The Duchess claimed the benefit of the peerage, under the statute of the first of Edward the Sixth, and was accordingly discharged without punishment. The subsequent career of the eccentric Duchess is well known.

One of the most remarkable trials which have taken place in Westminster Hall, or perhaps in any country or age, was that of Warren Hastings, who was arraigned on the 12th of February, 1788, for alleged tyranny over the native princes and the dusky population of Hindostan. Few men have ever conferred greater services on their native country, or have been more deserving of its gratitude. This great man had recently returned from his dominion over the vast empire of the East, followed by the blessings of thousands, and leaving behind him a name which was revered, even where it had been most dreaded. When he reached his native country, he was in the prime of life; eager to take that share in the great political struggles of the day, for which his genius so well adapted him, and expecting that his brilliant services in the East would be repaid with those honors and rewards which they so well merited. But a different fate awaited him. He had scarcely set his foot in England, when he found himself a proscribed man; assailed in all quarters as a tyrant and despot, and compelled to

oppose himself, almost alone and unsupported, to a united and powerful party, at the head of whom were arrayed the giant intellects of Burke, Sheridan and Charles James Fox. The trial, or rather persecution, of Warren Hastings lasted no less than nine years; and, when the verdict of acquittal was at length pronounced, it was when the vigor of life had passed away, and when, having expended his fortune in the struggle, he found himself, comparatively speaking, a ruined man.

The celebrated trial scene of Warren Hastings, in Westminster Hall, has been graphically and beautifully painted by Mr. Macaulay.

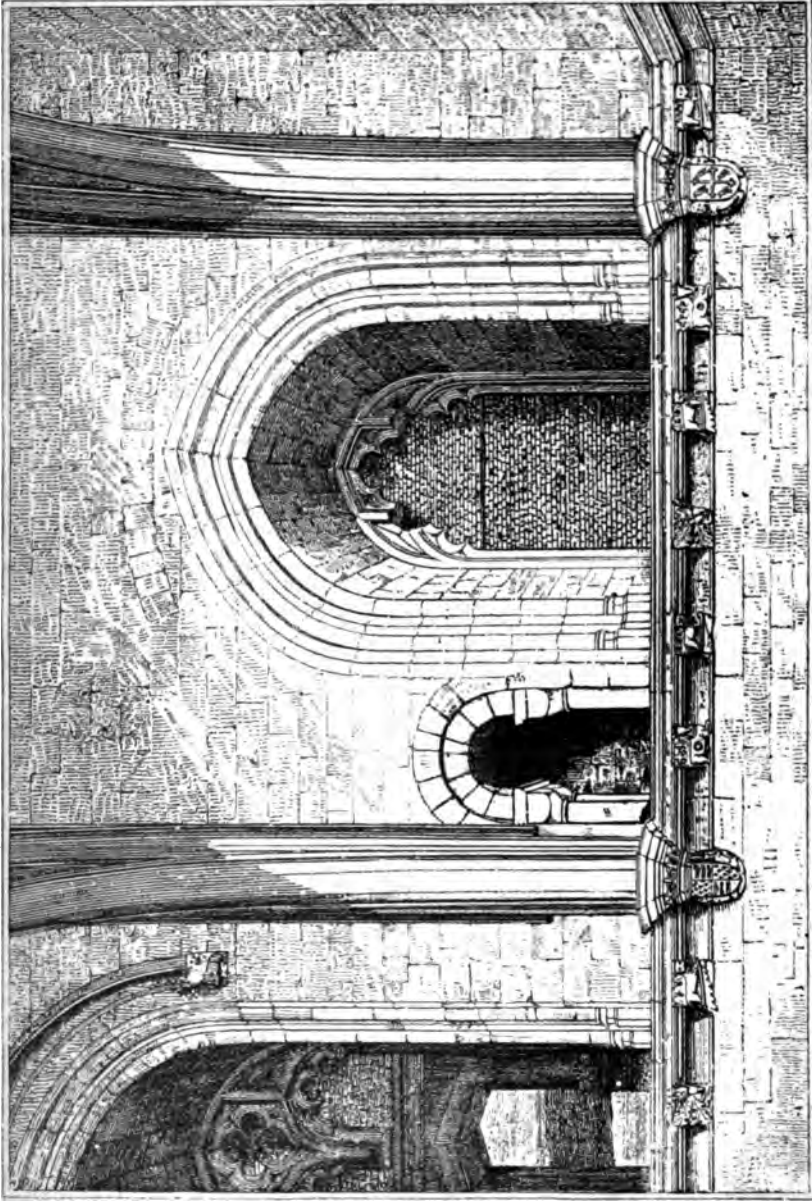
“The place,” he says, “was worthy of such a trial. It was the great hall of William Rufus, the hall which had resounded with acclamations at the inauguration of thirty kings, the hall which had witnessed the just sentence of Bacon, and the just absolution of Somers,<sup>1</sup> the hall where the eloquence of Strafford had for a moment awed and melted a victorious party inflamed with just resentment, the hall where Charles had confronted the high court of justice with the placid courage which has half redeemed his fame. Neither military nor civil pomp was wanting. The avenues were lined with grenadiers. The streets were kept clear by cavalry. The peers, robed in velvet and ermine, were marshaled by the heralds under garter-king-at-arms. The judges in their vestments of state attended to give advice on points of law. Near a hundred and seventy lords, three-fourths of the Upper House, as the Upper House then was, walked in solemn order from their usual place of assembling to the tribunal. The junior baron present led the way, George

<sup>1</sup> This is more poetical than true. The proceedings, both against Bacon and Somers, took place, not in Westminster Hall, but in the old House of Lords. We have merely mentioned these facts, lest, in our notice of the hall, we might be supposed to have omitted two such memorable events in its past history as the trials of these two celebrated men.



Elliott, Lord Heathfield, recently ennobled for his memorable defense of Gibraltar against the fleets and armies of France and Spain. The long procession was closed by the Duke of Norfolk, earl marshal of the realm, by the great dignitaries, and by the brothers and sons of the king. Last of all came the Prince of Wales, conspicuous by his fine person and noble bearing. The grey old walls were hung with scarlet. The long galleries were crowded by an audience such as has rarely excited the fears or the emulation of an orator. There were gathered together from all parts of a great, free, enlightened and prosperous empire, grace and female loveliness, wit and learning, the representatives of every science and every art. There were seated round the queen the fair-haired young daughters of the House of Brunswick. There the ambassadors of great kings and commonwealths gazed with admiration on a spectacle which no other country in the world could present. There Siddons, in the prime of her majestic beauty, looked with emotion on a scene surpassing all the imitations of the stage. There the historian of the Roman Empire thought of the days when Cicero pleaded the cause of Sicily against Verres, and when, before a senate which still retained some show of freedom, Tacitus thundered against the oppressor of Africa. There were seen, side by side, the greatest painter and the greatest scholar of the age. The spectacle had allured Reynolds from that easel which has preserved to us the thoughtful foreheads of so many writers and statesmen, and the sweet smiles of so many noble matrons. It had induced Parr to suspend his labors in that dark and profound mine from which he had extracted a vast treasure of erudition, a treasure too often buried in the earth, too often paraded with injudicious and inelegant ostentation, but still precious, massive and splendid. There appeared the





WESTMINSTER HALL, COMPARTMENT, EAST SIDE, NEAR SOUTH END.

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The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry, no matter how small, should be recorded to ensure the integrity of the financial statements. This includes not only sales and purchases but also expenses, income, and transfers between accounts.

The second part of the document provides a detailed breakdown of the accounts used in the system. It lists various types of accounts, such as current accounts, savings accounts, and investment accounts, and explains how they are managed and monitored. It also discusses the role of different personnel in maintaining these accounts and ensuring that all transactions are properly recorded and balanced.

The third part of the document describes the procedures for handling transactions and ensuring that they are processed accurately and efficiently. It outlines the steps involved in recording a transaction, from the initial entry to the final posting to the ledger. It also discusses the importance of regular reconciliations and audits to identify and correct any errors or discrepancies.

The fourth part of the document discusses the use of technology in financial management. It highlights the benefits of using computerized accounting systems, such as increased accuracy, faster processing times, and the ability to generate detailed reports and analyses. It also discusses the challenges of implementing and maintaining these systems and the importance of proper training and support.

The fifth part of the document discusses the importance of financial reporting and the role of the financial statements in providing a clear and accurate picture of the organization's financial performance. It explains the different types of financial statements, such as the balance sheet, income statement, and cash flow statement, and how they are prepared and presented. It also discusses the importance of transparency and accountability in financial reporting.

The sixth part of the document discusses the role of the financial manager in overseeing the organization's financial operations and ensuring that they are in line with the organization's strategic goals. It outlines the key responsibilities of the financial manager, such as budgeting, forecasting, and risk management, and discusses the importance of effective communication and collaboration with other departments.

The seventh part of the document discusses the importance of financial planning and the role of the financial manager in developing and implementing a comprehensive financial plan. It outlines the steps involved in financial planning, from identifying the organization's financial needs to setting realistic goals and developing strategies to achieve them. It also discusses the importance of regular monitoring and evaluation of the financial plan.

The eighth part of the document discusses the importance of financial control and the role of the financial manager in ensuring that the organization's financial resources are used efficiently and effectively. It outlines the key areas of financial control, such as budgeting, cost control, and asset management, and discusses the importance of regular monitoring and reporting.

The ninth part of the document discusses the importance of financial risk management and the role of the financial manager in identifying and mitigating potential risks to the organization's financial stability. It outlines the key areas of financial risk management, such as credit risk, market risk, and liquidity risk, and discusses the importance of regular assessment and monitoring.

The tenth part of the document discusses the importance of financial compliance and the role of the financial manager in ensuring that the organization's financial operations are in line with applicable laws and regulations. It outlines the key areas of financial compliance, such as tax reporting, anti-money laundering, and data protection, and discusses the importance of regular training and updates.

voluptuous charms of her to whom the heir to the throne had in secret plighted his faith. There, too, was she, the beautiful mother of a beautiful race, the Saint Cecelia, whose delicate features, lighted up by love and music, art has rescued from the common decay. There were the members of that brilliant society, which quoted, criticised and exchanged repartees under the rich peacock hangings of Mrs. Montague. And there the ladies, whose lips, more persuasive than those of Fox himself, had carried the Westminster election against palace and treasury, shone round Georgiana, Duchess of Devonshire. The sergeants made proclamation. Hastings advanced to the bar and bent his knee. The culprit, indeed, was not unworthy of that great presence; he had ruled an extensive and populous country, and made laws and treaties, had sent forth armies, had set up and pulled down princes; and in his high place he had so borne himself, that all had feared him, most had loved him, and that hatred itself could deny him no title to glory except virtue. He looked like a great man, and not like a bad man. A person small and emaciated, yet deriving dignity from a carriage which, while it indicated deference to the court, indicated also habitual self-possession and self-respect, a high and intellectual forehead, a brow pensive but not gloomy, a mouth of inflexible decision, a face pale and wan, but serene, on which was written, as legibly as under the picture in the council-chamber at Calcutta, *Mens æqua in arduis*; such was the aspect with which the great proconsul presented himself to his judges."

The only other event of any interest associated with Westminster Hall—the last occasion on which it presented the striking splendor of ancient times—was the coronation of George the Fourth, which was solemnized on the 1st of August, 1820. At the magnificent ban-

quet, the king sat on a gorgeous throne, on a raised dais, immediately under the great window at the south end of the hall. At long ranges of tables were seated the guests, including the peers, and the knights of the different Orders, in their robes; every ceremonial was followed which had been in use in the days of the Tudors and Plantagenets; and lastly, the champion Dymoke rode into the fine old Hall attended by the Duke of Wellington as High Constable of England, and the Marquis of Anglesea as Lord High Steward, both of them also on horseback. The total expense of the coronation ceremony of George the Fourth, the pageant of a day, was estimated at one hundred and fifty thousand pounds.—*Jesse.*



## CHAPTER II.

FOR every lawyer who daily visited Westminster Hall during term in the service of a client, or with a reasonable hope that he might pick up a brief, there were half-a-dozen who punctually attended the courts for pure amusement; to flirt with milliners, to enjoy the witticisms of jocular advocates, to haggle over the price of books at the tables of the book-dealers, to gossip with old friends and to make new acquaintances in the tap-rooms of Heaven, Hell, and Purgatory—the cant names of three taverns that carried on a rare business in strong drinks under the very roof of the Hall. In these dram-shops—to which writers of the seventeenth and eighteenth centuries make frequent allusions—counsel and clients, attorneys and countrymen, students and pick-pockets, clerks and professional witnesses tipped, quarreled, and made jests. The professional witnesses were most noticeable frequenters of the Hall in the “good old times.” Bankrupt traders, dissolute clerks (too idle to work, or too knavish to find any one willing to employ them regularly), quondam authors, degraded scholars, whose names had at one time figured on the books of a college, these abominable traffickers in perjury were employed by attorneys to swear to any lie, for which the support of false oaths was required. Not only did they ply their abominable trade, but, strange to say, they plied it notoriously—making no secret of their infamous business to persons initiated in the usages of the law-courts. Daily these venal liars walked Westminster Hall on the look-out for employment; a straw stuck in one



of his shoes being the ensign by which a member of the fraternity advertised his readiness, in spite of the terrors of the pillory, the whipping-post, the plantations, and the gallows, to swear by the hour together for a stated payment *per* oath. Throughout many years of the eighteenth century, a wicked attorney named Wreathcock—who, after undergoing sentence of death, was transported for life in 1736—kept a number of these scoundrels in full employment; and though his exposure and removal from the country broke up “Wreathcock’s Gang,” the man and his lying slaves were speedily replaced by another “connexion” of perjurers.

An allusion is made to Wreathcock in the lines inscribed beneath C. Mosley’s engraving of Gravelot’s drawing of the interior of Westminster Hall, in which picture the courts are arranged as they were when Ned Ward visited them.

Unless the student bears in mind the arrangement of Westminster Hall, the openness of the courts which permitted the judges to see each other and command a view of the entire hall; the ever-moving and incessant throngs of loiterers; and the freedom with which visitors were permitted to laugh and talk aloud, he misses the humor, and poignancy, and spirit of the best stories that are preserved in the annals of the law-courts. When Speaker Seymour seized Sergeant Pemberton, as the latter walked up Westminster Hall conspicuous by his coif and parti-colored robes, the capture was made amidst a crowd of eager politicians and fashionable *quidnuncs*, who watched the strange scene with liveliest interest. When Lady Harriet Berkeley openly refused the protection of her father, after the trial of Lord Grey de Werke for her seduction, swords were drawn and blood would have been spilled had not Chief Justice Pemberton—speaking within the hearing and sight of the judges of the Com-

mon Pleas, the officers of the Chancery, and all the dense mass of spectators who had been drawn to the Hall by that supremely scandalous *cause célèbre*—terminated by his prompt and firm intervention a scene which Macaulay has stigmatized as “unparalleled in our legal history.” Half the fun of the memorable *Dumb Day* farce in Westminster Hall is unseen if the reader omits from the picture the prying multitude who whispered and tittered at the contumacious silence of the sergeants, and then chuckled with delight as Chief Justice North threatened to carry on the business of the court by means of attorneys, and without the aid of the coif-wearing lawyers. When Chief Justice Jeffreys whispered in the ear of Drunken Bob Wright, and then flinging out his arms made a grimace at Lord Keeper North, who witnessed the scene from his seat in the Court of Chancery, the coarse insult to the Chief of the Law was witnessed by hundreds, and ere an hour had elapsed was reported to thousands. In this same open Hall Cromwell’s grandson stood and listened to the abuse which a chancery advocate directed at the memory of the great Protector, and the eyes of a multitude were upon him, when Lord Chancellor Hardwicke rebuked the orator by saying, “I observe Mr. Cromwell standing outside the bar there, inconveniently pressed by the crowd; make way for him that he may sit by me on the bench.” The rebuke deserved a large audience.

The discomforts of the open courts were far greater than those of the close apartments in which the legal business of Westminster Hall is at the present time transacted. But though the profession suffered severely from colds and rheumatism caused by the sharp currents of air that passed through the hall in inclement seasons, the conservative spirit of the lawyers discountenanced all proposals for change that might conduce to the com-

fort of their courts. Of the three courts the Common Pleas was the most disadvantageously placed, being situated, so late as Charles II.'s reign, near the great door of the hall; so that when the north wind was blowing none but barristers of strong constitutions could safely sit in it. Under these circumstances it was proposed to move the court into a back room called the Treasury, and make an entrance into the chamber from the body of the hall. At this date one smiles on hearing that Sir Orlando Bridgeman, the Chief Justice of the court, refused his consent to this suggestion, *because Magna Charta* required the Common Pleas to be held *in certo loco*—whereas, in case the Common Pleas shifted its ground by even so little as a few feet, its precise locality would become a matter of uncertainty. Actually this reasoning prevailed; and the sergeants were compelled to brave the north wind for another term of years. After a while, however, the reformers succeeded in shifting the court higher up the hall to the spot where Ned Ward saw it, and where it stands in Gravelot's picture.

Something like a century more elapsed before reform contrived to effect a cautious measure with regard to this matter. Somewhere about the time of George III.'s accession the courts were enclosed with boarding, but were held in the same places as before. Writing in 1800, Ireland says, "At the upper end of the hall stand the Courts of Chancery and King's Bench, to which you may ascend by an easy flight of steps. They are modern buildings, erected, we presume, not more than fifty years since." The same writer remarks that the Court of Common Pleas, "on the north side of the hall, has, as well as the Courts of Chancery and King's Bench, been of late years rendered much more commodious and comfortable, from the additional enclosures made to it." From these words, as well as from Gravelot's engraving,

it appears that, after its removal from immediate contiguity to the north wall, the court was so near the north-west angle of the hall, that it might still be described as *on the north side*.

Thus enclosed with boarding, in the south-east angle, was the Court of King's Bench when John Campbell entered it, June 28, 1800, to hear the trial of Hadfield for shooting at George III. "The scene was by no means so august as I had imagined to myself," says the biographer of the Chief Justices. "I expected to see the judges sitting in the great hall, which, though very differently constructed, for magnificence might be compared to the Roman Forum. The place where the trial was going on was a small room enclosed from the open space of the south-east angle, and here were crowded together the judges, the jury, the counsel, the attorneys, and the reporters, with little accommodation for by-standers." But though the Scotch student was disappointed by the meanness of the hall, he was greatly impressed and pleased by the appearance of some of the eminent lawyers who were present.

Towards the close of the last century this inconvenient and ill-ventilated room was the scene of a ludicrous panic. Whilst the judges were sitting and business was in full progress, a tremendous crash and a shrill cry were heard just above the skylight, through which window the dingy and gloomy chamber received its insufficient supply of light. The disturbance was caused by a kitchen wench, who, having climbed to the roof of the court with the intention of cleaning the window, upset her huge pail of water, and then screamed with fright. No sooner was the noise heard, than bench and bar, attorneys and clients, jurymen and spectators leaped from their places, and, in their eagerness to escape from the court, showed respect neither for years nor for rank. In itself very

comical, the scuffle was rendered even more ridiculous by the caricaturists, who made the most of the absurd incident. No such grotesque terror had been witnessed in Westminster Hall since Nixon, the crazy nonjuring parson, startled Lord Hardwicke and the Chancery bar out of their propriety by putting a match to some gunpowder, and causing a loud but harmless explosion in the Chancellor's court.

Lawyers have suffered severely from fire in their colleges; but at Westminster water is the element that has treated them most unkindly. Its proximity to the river has repeatedly placed the frequenters of the hall in positions of embarrassment and even of danger. In 1236, the Thames so greatly overflowed the northern bank, that "in the great palace of Westminster, men did row with wherries in the middle of the hall." Six years later a similar inundation occurred, on which occasion "in the great hall at Westminster men took their horses, because the water ran over all." In comparatively recent times the river has been no less mischievous and ungovernable. On March 24, 1735, the lawyers were so completely encompassed by water, that they were glad to escape from their hall in boats or on porters' shoulders.

A similar irruption of water in 1791 is commemorated in a ballad, two stanzas of which run thus—

"Come, listen awhile to my lay,  
I sing of a strange inundation,  
That had like to have carried away  
All the wigs and long robes of the nation;  
While thinking of no harm at all,  
But a few wretched people's undoing,  
Father Thames entered Westminster Hall,  
Threat'ning all law and justice with ruin.

"Of the fright universal it spread,  
Conception can ne'er form a notion,  
Wigs bristled upright on each head,  
Each counselor stood without *motion*;  
The tide that for no man will stay,  
While the clamor grew louder and louder,  
From every tye-wig washed away  
Common sense, with the curls and the powder."

The last of the Westminster Hall floods took place on October 18, 1841, when the lawyers were shooting pheasants and their courts were empty.

It is still usual for the Chancellor to entertain the other judges on the first day of Michaelmas Term, and afterwards go with them in state to Westminster Hall, in which place, from a numerous assembly of young barristers, and ladies specially interested in the welfare and dignity of the legal profession, the reverend chiefs of the law receive a gratifying hum of admiration, and sometimes an outburst of louder applause as they march in procession from the northern gate to their respective courts. In olden time, and even so late as George IV.'s reign, each term of the year was opened with this formal procession, the ceremony being in many respects more impressive than at present—*Jeaffreson*.



### CHAPTER III.

**E**VEN as a spectacle the courts of law are well worth a visit from strangers. It is an interesting and somewhat imposing sight to witness the four judges,—which, as will afterwards be seen, is the number who sit at once in most of the courts,—seated on the bench, all looking remarkably grave, and made to appear more so than they really are by their huge wigs. Had Dominie Sampson seen one of these wigs on the head of a judge, there would have been no end to his exclamations of “prodigious!” The robes, too, in which the judges are clothed, are showy in no ordinary degree, while in amplitude they happily correspond with the proportions of their wigs. Then there are the counsel in a tier of seats opposite to their lordships. In some of the courts there are often fifty or sixty counsel at one time,—all clothed in their gowns, and each head enclosed in a wig of liberal dimensions. To be sure, three-fourths of the number are briefless; but they are quite as useful, notwithstanding, in giving effect to the scene, as those who are most extensively employed. There they sit, day after day, brothers in adversity, and keeping each other in countenance. I am not particularly partial to the system of Lavater; but I think it applies with an almost unerring certainty to briefless barristers. There is a longitude in their faces about which, as the Duke of Wellington used to say, there is no mistake. But putting their physiognomies out of the question, they may be generally distinguished from their more fortunate brethren by their attempts to kill time by making all manner of

pen-and-ink sketches,—men, women, beasts, houses, trees, &c. &c., which are usually most clumsy affairs.

In the other courts demure faces are chiefly confined to briefless barristers—in the Court of Chancery it is otherwise. There demure faces are universal. From the Lord Chancellor himself, down to the most recently admitted of the junior counsel, there is the same elongation of countenance. No one ever saw a smiling or cheerful face there, of which any of the long-robed gentlemen could claim the proprietorship. I have known many a young gentleman enter that court, on his being called to the bar, with a pleasant and cheerful frontispiece; but I know of no instance—I question if there be any such on record—in which that expression of countenance has been preserved a single week. A few days in any case, in some instances a few hours, are sufficient to transmute the most cheerful countenance into one of the most demure description. The certainty and suddenness of the change, are matters beyond the range of my philosophy. They seem to be the effect of some magical instrumentality. Nor is this elongation of face confined to the parties whose heads are thrust into wigs. The very spectators who chance to drop into the court are subjected to the mysterious agency. You see young gentlemen full of life and hilarity of spirit, and middle-aged men from the country whose jolly expression of countenance it would do any one's heart good to witness, enter the Court of Chancery, and before they have been five minutes there, they look as demure as if they were assisting at the performance of a funeral. I have had occasion at different times to spend several consecutive hours in the Court of Chancery, and have felt a positive relief on seeing a cheerful countenance come into it on which I could gaze for a little,—just as Mungo Park, the celebrated African



traveler, felt delighted when he beheld the oasis in the desert. But my gratification has always been of an exceedingly temporary kind: ere the lapse of a few minutes I have invariably found such countenances wearing as grave an aspect as that of an undertaker. Doctors differ among themselves as to whether or not cholera be contagious: no one who ever put foot in the Court of Chancery can doubt the contagiousness of the gravity which prevails there. Not even the most pleasant and cheerful looking women who accidentally visit the place can resist its powerful influence. I have sometimes thought that if there were a looking-glass in the court, in which young ladies could see their own elongated and demure faces while there, they would start back in an agony of horror at the spectacle, under the impression that some malignant supernatural agency had wrought the change.

From one cause or the other there are always a great many strangers in the courts of law. On those occasions when an important case is expected to come on, the court in which the trial is to take place is crowded to excess. In such cases I have known a guinea to be offered for a seat. Some time ago, when a noble lord was the defendant in a case in which the husband of a literary lady of great personal charms was the plaintiff, five guineas, I believe, were offered by one gentleman for a seat. Twenty, however, would not, after the trial had commenced, have procured the accommodation. I doubt if a greater number of human beings were ever crowded together for an equal length of time, in so limited a space, than on that occasion. In most parts of the court the pressure was so great, that one might almost as well have tried to break through the walls of Newgate, as to have forced his way through the dense mass of mortality, as some one happily phrased it, which surrounded him.

The Courts of Law, like the Houses of Parliament, are at Westminster. They are in the immediate neighborhood of Westminster Abbey, and communicated with the old House of Commons. The only entrance is now at the east end of Westminster Hall, a place which, since its recent fitting up with so much taste, has become a favorite place of promenade for the gentlemen of the long robe, and for strangers who have business at either of the courts. When I say gentlemen of the long robe, I must restrict, in this instance, the application of the terms to those who are well employed. They are glad to get out of court for a few moments, in order that they may enjoy a little exercise, and breathe withal the fresh air, after some great forensic effort—great in regard to the time they have been on their legs, if not always in point of brilliancy or eloquence. You never see a briefless barrister walking for five minutes at a time in Westminster Hall; nor, I will answer for it, anywhere else when attired in his long robe. Though literally doing nothing, he wishes it to be understood that he is so completely over head and ears in briefs and business, that he has not a moment to spare in exercising his locomotive powers. The unpracticing “practitioners” in the courts are so busy in helping one another to do nothing, that they will not venture out on any account to have a few moment’s walk in Westminster Hall.

The word court, as applied to the legal tribunals of the country, is generally understood to have been derived from the circumstance of all important questions having been anciently tried in an apartment of the king’s palace appropriated for the purpose, and in his presence. These tribunals thus formed, as it were, a part of the court, and when they were removed from the palace, they still retained the name.

The origin of most of the present courts may be traced back to the latter part of the Norman dynasty. They underwent some modifications at the time of the passing of Magna Charta; but not to such an extent as materially to alter their constitution. They are all Courts of Record; which means, in contradistinction from other courts of inferior powers and importance, that every transaction which takes place in them is written out on parchment, and, on receiving the signatures of the judges, becomes, from that moment, a matter of such sacredness and importance, that its truth must never be called in question, even were a party in a condition to prove it erroneous. All the courts at Westminster can take cognizance of all cases in which the pecuniary business of the question at issue exceeds forty shillings; all matters of less amount must be decided by the inferior courts, in which no records of the nature referred to are kept. The Courts of Record are all supposed to be directly derived from the special authority of the king, who is represented by the constitution to be the fountain of justice. They are instituted by his letters patent, and have the power, which is peculiar to themselves, of fining and imprisoning those who incur their displeasure.

The courts at Westminster are eight in number. They are, taking them according to their respective localities, as you enter Westminster Hall, the King's Bench—the Bail Court—the Court of Exchequer—the Court of Exchequer Chamber—the Court of Common Pleas—the Vice-Chancellor's Court—the Court of Chancery—and the Rolls Court. The Bench, the Bail Court, and Common Pleas, are severally courts of common law. The Exchequer is both a court of common law and a court of equity. The others are essentially courts of equity, though also possessing the functions of courts of law.

The KING'S BENCH is the supreme court of common law throughout the kingdom. It is the remnant of the Aula Regia, a court established by William the Conqueror, and which not only sat in his residence, whatever the part of the country to which he removed, but which was presided over by persons chosen from his household for the purpose. The King's Bench, though not held for nearly two centuries at any other place than Westminster and Guildhall, is, in consequence of the locomotive qualities of the institution which it succeeded, still capable of being removed, at the pleasure of the king, to any part of the country. In the year of the great plague in London, nearly two centuries ago, the King's Bench was transferred to Oxford, where it sat for a considerable time. When Edward the First conquered Scotland, it followed him to that country, and actually sat at Roxburghe. When thus removed to any part of the kingdom, it at once absorbs or sets aside all previous commissions for holding assizes in the particular county in which it sits. It proceeds to try the cases *ipso facto*. There is only one exception to this universal power of the Court of King's Bench. By an act passed in the early part of the reign of George the Third, it is provided that any session in the county of Middlesex begun to be held on the jail deliveries of Newgate, shall continue to be held until the cases are all disposed of, notwithstanding the sitting of the Court of King's Bench at Westminster, or any other part of the county, at that particular time. In consequence of the King's Bench being liable to be removed to wherever the sovereign shall be pleased to go, all the writs are returnable "wherever we shall then be in England."

The King's Bench derives its name from the circumstance of the sovereign having been in former times, and being still assumed to be, in the habit of sitting in it

along with the judges. Some historians tell as that Henry the Third repeatedly sat in the King's Bench during the proceedings in important cases. It is added, that he sat on an elevated bench, the judges being seated on a lower one at his feet. Other historians express doubts as to this monarch having attended in person in the King's Bench. Be the fact as it may, it is established beyond all question, that Edward the Fourth sat there three consecutive days in the second year of his reign. The object of the youthful monarch was the praiseworthy one of a desire to witness the way in which justice was administered. James the First, it is also said, sat for some time on one or two occasions, along with the judges, in the Court of King's Bench ; but as he was not allowed to take any part in the proceedings, that being the province of the judges alone, he soon tired of the thing. That monarch was so strongly addicted to loquacity, that to be prevented from speaking for any length of time, was the greatest punishment that could have been inflicted on him. He and Sir Peter Laurie would never have agreed about the silent system. The former would have deemed it, judging from his own experience on the subject, immeasurably too harsh a measure for any criminal, whatever the nature of his offense. The royal Solon was never more in his element than when over head and ears in some theological or other disputation.

By one of these fictions so numerous in the English law, the sovereign is still, as just stated, supposed to be present during the sittings of the King's Bench. The writs which are issued by the court state that the case is to be heard "before the king himself." As this court, as before mentioned, derives its name from the assumed presence of the king during its proceedings, it changes its name to that of the Queen's Bench during the as-

cendency of a female. It was so called during the reigns of Elizabeth, Mary, and Anne, and is so termed at present, Victoria being the sovereign of these realms. The only case of perplexity which ever occurred as to the designation under which it should go was, when Oliver Cromwell assumed the protectorate of England. After a great deal of discussion among the judges and others, and the proposal of various other names, it was agreed to call it "The Upper Bench."

I have already said that this is the supreme court of common law. Its jurisdiction is universal. A case may be moved to it, by writ of *certiorari*, from any part of England; or it can put an end to the proceedings in any other court, in the most arbitrary or summary manner. It has a sovereign authority over all inferior courts, and superintends all civil corporations throughout the kingdom. It enforces the performance of their duties on magistrates, in those cases where the law provides no specific remedy. It can bail parties illegally committed to prison, either by the sovereign and council, or by either House of Parliament; nay, so great are its powers, that it may, if it please (and there are instances on record in which it has done so), bail persons who have been imprisoned according to the most obvious letter and spirit of the law.

It has a special jurisdiction extending not only to all capital offenses, but to misdemeanors of every kind of a public nature where the tendency is to a breach of the peace or to the oppression of individuals or bodies of persons. It also possesses the discretionary power of inflicting summary punishment in any way that it shall think fit;—whether by fine, or imprisonment, or other "infamous punishment,"—as the clause conferring this power is worded. Nor does its authority rest even here. It has the prerogative of making use of any prison

in the kingdom, for the purpose of carrying its views of punishment into effect ; so that, in point of fact, any prison in the country is as much its prison as that which goes by its name, and is ostensibly its prison. This was a question on which some doubts at one time existed ; and it was tried about a quarter of a century since in the case of Messrs. Hart and White, the proprietors of " The Independent Whig," a well-known liberal journal of that period. These men having been convicted of a libel on the government, the Court of King's Bench sentenced one of them to imprisonment in the Gloucester jail, and the other in the Dorchester jail. The parties appealed to the House of Lords against the right of the court to send them to any prison out of the county of Middlesex ; but the sentence of the court was affirmed. No other tribunal in the country can bail a person sentenced to imprisonment in this court.

The Court of King's Bench is divided into two sides, the crown side and the plea side. On the crown side all criminal causes are tried, from high treason down to the most trifling breach of the peace. In criminal matters the jurisdiction of the court is so great, that even an Act of Parliament appointing that all offenses of a certain class shall be tried before certain judges, does not deprive the King's Bench of its right to interfere, and to take the direction of the matter into its own hands ; unless, indeed, such Act of Parliament shall specifically denude it of that jurisdiction. On the plea side are tried all actions of trespass, forgery of deeds, conspiracy, cases of fraud, &c. In such cases the actions are called civil ; the remedy sought to be obtained being a civil one, though the offenses are, in point of fact, of a criminal nature. The number of cases of this class which come before this court is very great.

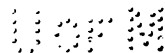
A curious fiction exists with regard to the mode of

procedure in civil cases in this court. An action cannot be brought against a party in the same simple way as in the other courts of law. He must be brought up before the court for a supposed trespass committed in the county of Middlesex. If the case be a bailable one, he is assumed to be in the actual custody of the marshal when he has put in bail; if not bailable, he is presumed even to be in the marshal's custody when he has entered an appearance. The plaintiff then may proceed against him in any civil case; the criminal offense with which he was charged being no more heard of. This fiction, a most despotic one in theory, though comparatively, if not absolutely, harmless in practice, had its origin in the dictum of the judges some centuries ago, that a party once brought into that court, either in the actual or supposed custody of the marshal, could not be proceeded against, even in any civil matter, in any other court.

There are only two tribunals in the country to which there lies an appeal from this court; these are, the Court of Exchequer Chamber, and the House of Lords; into either of which the case may be removed by writ of error, according to the nature of the suit, and the way in which it has been prosecuted.

In cases of great doubt or difficulty, the judges in the King's Bench, so far from regretting that their decisions may be reversed by a superior tribunal, hesitate to give any decision at all themselves, but refer the case to the judges in the Court of Exchequer Chamber.

In connexion with the Court of King's Bench there is the BAIL COURT. It adjoins the other, and is presided over by one of the puisne judges, by rotation, or by some private arrangement amongst themselves. The Bail Court is to the King's Bench what a chapel of ease is to a church. It assists in disposing of the business





which has accumulated in the larger court. It chiefly, however, confines itself to the less important description of business.

The COURT OF EXCHEQUER is the next court to that of the King's Bench in locality, though inferior in point of importance to the Court of Common Pleas. Originally it was held in the king's palace. It is supposed, by many persons, to have derived its name from the circumstance of a chequer-wrought carpet, similar in appearance to a chess-board, having formerly covered the table. Others, again, think the origin of the name may be traced to the fact of the pavement of the court having been chequered; while a third class maintain that the name originated in the circumstance of the accountants in the court having been in the habit of using cheques, or chess-boards, to assist them in their arithmetical computations. But whatever may have been the origin of the appellation, the purpose for which the court was instituted was to hear and determine all causes affecting the rights of the crown and the revenue of the country. It is a very ancient court. It is generally supposed to have been coeval with the reign of William the Conqueror. Its institution, indeed, is usually ascribed to him, and is believed to have been formed on the plan, though with many improvements, of the exchequer in Normandy. It underwent various alterations in the reign of Edward the First, and is understood to be now the same as it was when re-constructed by him. Its chief purpose still is, to decide on all matters affecting the rights and revenues of the crown, though many other causes of a different nature have of late been tried in it. This has been done by parties availing themselves of certain legal fictions which exist. For example, the law recognizes the right of any plaintiff to assume that he is the "king's minister," or

debtor, and that by the defendant's refusing to pay him the debt he owes him, or having in any way committed an injury, he (the plaintiff) is less able to discharge the debt he owes his sovereign. By this fiction a jurisdiction is assumed by this court over all the private matters between individuals, though neither the plaintiff nor defendant owes a farthing to the king. By means of these fictions, taken in conjunction with the implied provisions of an act passed a few years since for establishing a uniformity of process, actions, in some cases of a strictly personal nature, have been recently brought before this court. The late case of Fraser against the Hon. Grantley Berkeley for an assault committed by the latter, is one in point. Formerly, when the Court of Exchequer restricted itself almost entirely to the hearing of crown and revenue cases, the proceedings possessed but little public interest, and few, therefore, of the daily papers thought of sending a reporter to it. Of late, however, the cases have been so interesting, that all the daily journals have gentlemen on their establishments for the purpose of reporting the proceedings in this court. In all cases where the sovereign's revenue is affected, the Exchequer is the only court where the question can be tried; and its jurisdiction is exclusive, even in personal cases, where the public revenue is concerned.

The Court of Exchequer sustains the double functions of a court of common law and a court of equity. The law side of the court is presided over by Lord Abinger, the Lord Chief Baron, Sir J. Gurney, Sir William Bolland, Sir James Parke, and Sir Edward Hall Alderson. The equity side is in the Exchequer Chamber. It is always supposed that the Lord Treasurer, the Chancellor of the Exchequer, the Lord Chief Baron, and three puisne barons, are present, though, in many cases, none

but the Lord Chief Baron is actually so. Formerly there used to be a good deal of business done in the equity side of the Court of Exchequer, a large portion of which consisted of the suits of the clergy for the recovery of their tithes. Of late, however, the business has greatly diminished. This is the proper place for any of the king's subjects to prosecute the Attorney General for any act of injustice which he may have committed. The only appeal from the equity side of this court is to the House of Lords. The appeal from the law side lies, in the first instance, to the Exchequer Chamber, whence the party may, if he please, appeal to the House of Lords.

The Court of Exchequer, like the Court of King's Bench, though not having properly any criminal jurisdiction, has the power, and is bound if required to exercise it, of discharging or bailing in any criminal cases. This power, however, it never exercises, unless called on to do so, which it scarcely ever is,—the Court of King's Bench, or one of its judges, being the place or the person almost universally applied to in such cases. The judges in the Court of Exchequer go by the name of barons.

The COURT OF EXCHEQUER CHAMBER sits in the same place as the equity side of the Court of Exchequer. It is a court of appeal for rectifying the errors of the other courts of law. This court always nominally consists of the judges of the three courts of common law, and occasionally of the Lord Chancellor also. It is usual, however, for the Lord Chief Baron to hear cases alone. This court sits only two days during each term. On the first day, which is usually fixed soon after the beginning of the term, the judgments of the other courts of law are affirmed or reversed; on the other day, which is fixed for some time after, that which was left unfinished at the first is completed.

The COURT OF COMMON PLEAS is an institution, regarding the antiquity of which a diversity of opinion prevails. Gwyn, a well-known writer on legal matters, maintains that it was established at the time of the granting of Magna Charta. Sir Edward Coke ascribes to it a much more ancient origin. His conviction is, that it existed as a distinct court some considerable time before the Conquest; and he says, that it was only recognized or confirmed by Magna Charta. Be this as it may, all writers seem to concur in the opinion, that at the granting of the great charter of our liberties, the Court of Common Pleas, which before, like the Court of King's Bench, was a movable court from one part of the country to the other, was permanently fixed to hold its sittings in London. The purpose principally contemplated by its original institution, was the hearing of all civil actions between subject and subject; but in process of time its jurisdiction began, and still continues, to embrace personal and mixed actions. Over mixed actions, excepting in actions of ejectment, it has an exclusive jurisdiction. Its jurisdiction is also so exclusive over real actions, that were any such suit commenced either in the Court of King's Bench or in the Court of Exchequer, the whole proceedings, however tedious and expensive they may have been, would be altogether void. The only exception to the exclusiveness of the Court of Common Pleas in real actions, is in the case of the king,—who has the privilege of instituting his real or mixed actions in any court he is pleased to name.

The jurisdiction of this court is general. It embraces the whole of England. Though properly it has no jurisdiction in criminal cases; it has, like the Court of King's Bench and Court of Exchequer, the power of discharging persons illegally imprisoned; which power either of its judges may exercise during the vacation.

It has also the power of bailing parties imprisoned ; but, as in the case of the Court of the Exchequer, neither the court itself nor any of its judges in vacation time, is ever, or very rarely, called on to exercise this power.

It is a fact which may appear surprising, that notwithstanding the importance and extensive powers of the Court of Common Pleas, it possesses no original jurisdiction. Its authority is derived from writs issued by the Court of Chancery. The writs so issued are called the king's mandates for the court to proceed in the cases mentioned. The Lord Chancellor holds the seal of this court.

Previous to 1834, no counsel who has not attained to the rank of a sergeant-at-law, had the right of pleading in the Court of Common Pleas ; but by a warrant under the king's sign manual, this exclusive privilege of the sergeants was abolished that year, and the court thrown open to all barristers. It was, however, provided, by the same warrant, that the sergeants who had been previously practicing in that court, should rank next after the junior king's counsel. But those who were at any future period to be made, were not to have the same privilege extended to them.

From the decisions of this court, an appeal lies to the Court of King's Bench. The right of such appeal, however, is seldom exercised by the losing party.

Such are the courts of law. The judges in all these courts, being twelve in number, are what are called the twelve judges of England, to whose decision all difficult matters of importance are referred. The law courts sit about eight months in the year. They have four terms, or four divisions of the year. During term time, actions of a certain nature, involving points of law, are tried by the judges alone ; and out of term time, issues bearing on questions of fact are tried, with the assistance of

either a special or common jury. The defendant has always the right of deciding whether the question before the court shall be tried by a special or a common jury.

Independently of their duties at Westminster, the judges of the courts of law have to preside at the country assizes. Going these circuits, as the technical phrase is, subjects each of them to an expense varying from two hundred and fifty to three hundred pounds per annum.

At certain periods of the year, which vary according to the exigencies of the business before the court, one of the judges sits in what are called chambers, where business of inferior importance is disposed of; and for a few weeks in the course of the year, the Courts of King's Bench and Common Pleas sit at Guildhall.

Before being raised to the bench, it is necessary that the embryo judge have attained the rank of a sergeant-at-law. An amusing instance of adhering to this regulation occurred on the elevation of Sir James Scarlet. When the appointment was given him, it was found that he was not then a sergeant-at-law; and the only way by which the difficulty could be obviated, was to raise him in the first instance to that rank. This was accordingly done; and so rapid was Sir James's elevation, that the same day saw him made a sergeant-at-law and a judge. If I remember rightly, he did not enjoy the dignity of a sergeant an hour, before it was swallowed up in that of a seat on the bench.

While in the courts, the judges, as everybody knows, look marvelously grave. They have, however, their seasons of relaxed features, like other people. They are asked to dine with the new Lord Mayor every Lord Mayor's Day,—his lordship, attended by a numerous retinue of city functionaries, doing them the honor of waiting personally on them in their respective courts, to

invite them to the banquet. Let any body only see them at a Lord Mayor's dinner, with their wigs and gowns doffed, and arrayed in one of the exquisite fits of Mr. Willis, or of Mr. Crellin, of St. James's Street, and then say whether he would take them for the same persons. On the first day of term, too, the judges go to the courts in great pomp. The procession is magnificent. It is very different now from what it once was. Before the reign of Queen Mary, they were obliged to ride to Westminster Hall, on term day, on mules; now they go in splendid carriages.

So much for the courts of law. I come now to speak of the Courts of Equity; but a word or two first, explanatory of the distinction between a court of law and a court of equity. The technical definition of the difference is, that a court of law has jurisdiction over legal rights and legal defenses; while a court of equity has jurisdiction over equitable rights, or in other words, has the power of deciding as exclusively according to what may be deemed the strict justice of the case, as if there were no court of law in existence. A court of equity can compel, as will be afterwards seen, the discovery of facts: a court of law cannot. A court of equity usually gives other relief along with damages: a court of law can only award damages for the injury done.

The courts of equity are the COURT OF CHANCERY, the VICE-CHANCELLOR'S COURT, and the ROLLS' COURT.

Taking these courts, as I have hitherto done, according to their respective localities as we enter Westminster Hall, the Vice-Chancellor's Court is the next of which I should have to speak. As it, however, is only a branch of the Chancery Court, the few observations I shall have to make on it, will come with greater propriety after speaking of the parent institution.

The COURT OF CHANCERY is the highest court of judicature in the kingdom, next to the House of Lords. It is established for the purpose of moderating the severity, and rectifying the errors, of the other courts. It is essentially a court of equity, but has also the right of acting in the capacity of a court of common law, when that may be deemed expedient. It has no power, however, to try facts between parties, or to summon a jury. When it discharges the functions of a court of common law, its proceedings are said to be ordinary: when sitting as a court of equity, which it usually does, its proceedings are said to be extraordinary. When sitting as a court of equity, or court of conscience, it proceeds by bills, answers, decrees, &c., and takes every step it thinks most likely to defeat and punish fraud, oppression, breaches of trust, and every kind of injustice. So great are its powers, that it can compel a defendant to discover facts which are against his own cause; a power which no court of common law possesses. It has also the power of repealing the sovereign's letters patent when they are contrary to law, or grounded on unfounded suggestions. The Queen being supposed incapable of doing wrong to her subjects—as, "God bless her," she doubtless is—it is assumed that she would be quite agreeable, on the representations of the Lord Chancellor, to have her letters patent in such cases repealed. Hence the designation, as applied to the Lord Chancellor, of being the keeper of the Royal conscience.

The Court of Chancery is of great antiquity; but the precise time of its institution is not known. It is supposed to have exercised the functions of a court of common law long before it assumed those of a court of conscience or equity. As a court of equity, it is believed to have had its origin in the circumstance of parties appealing from the decisions of the other courts of com-



mon law to the king in council; on the assumption that, as the proceedings in those courts were grounded on his original writs, he would naturally be anxious to see justice done to his subjects. The king in council is supposed to have referred many, if not all, of these appeals, to the Lord Chancellor himself. This is conjectured to have been in the time of our Saxon ancestors. It is certain that the court had a separate jurisdiction as a court of equity, towards the latter part of the reign of Edward the Third.

In 1616, a violent dispute arose between the courts of common law and the Court of Chancery, as to whether the latter, in its capacity of a court of equity, had the right of giving relief to a party after or contrary to the judgment of the courts of common law. This contest arose at the instance of Sir Edward Coke—the “Coke upon Littleton,” so celebrated at Westminster Hall—then Lord Chief Justice of the Court of King’s Bench. With such a high hand did the law courts carry the matter, and so confident were the judges in those courts that the Court of Chancery had not the power it arrogated to itself, that they proceeded so far as to prefer indictments against the suitors, the solicitors, the counsel, and even against one of the Masters of Chancery, for having incurred *premunire*, by questioning in a court of equity a decree in the Court of King’s Bench. The matter was eventually submitted to the judgment of the king; but he not being lawyer enough to decide the question, referred it to his counsel: had it been a knotty point in theology, the royal Solon would have undertaken its decision at once. The king’s counsel reported so decidedly in favor of the right of courts of equity, that James at once gave judgment on their behalf. Lord Coke lost no time in intimating his willingness to submit to the decision which had been come to;

but the part he had taken in the matter caused him the loss of his place.

It is not strictly necessary that the Lord Chancellor be a lawyer, though he has always been so for a long time past. Some centuries ago there were many instances of non-legal Lord Chancellors. Even so lately as the seventeenth century, Lord Clarendon was appointed to the office, twenty years after he had relinquished his practice at the bar. And in the same century the Earl of Shaftesbury was made Lord Chancellor, though he had never practiced at all. It is proper, however, to state, that the noble earl had been brought up to the legal profession.

Within the last hundred and seventy years, greater improvements have been introduced into the administration of justice in the Court of Chancery. In 1673, Sir Heneage Finch began the work of improvement; and various other Lord Chancellors, though I regret to say not all, have since this time followed in his footsteps. The consequence has been a vast increase of business in this court.

The Lord Chancellor has very extensive powers, other than those he possesses while sitting in the Court of Chancery. I will not, however, refer to these, as they do not strictly fall within the objects of this chapter. He usually presides in the court by himself; but he has the right to call in the assistance of other judges when he pleases. There are twelve Masters in Chancery, who perform the subordinate business of the court. The Master of the Rolls sits for the Lord Chancellor in his absence.

The importance of the Court of Chancery may be inferred, not only from the circumstance of its jurisdiction over the other courts, but from the amount of property sometimes locked up in it. Some years ago, when the

doubts and misgivings of Lord Eldon caused a great accumulation of business, the amount of property litigated in the court was little less than £11,000,000. In one case alone, money to the amount of nearly £1,000,000 was locked up.

The slowness of the Court of Chancery in delivering judgment on cases before it, used to be proverbial. It is said that one case was actually undecided for upwards of a century. Many cases have been before it for forty, thirty, and twenty years. Of late there has been greater expedition in disposing of its business. The Vice-Chancellor's Court has been of great service in this respect. I shall have occasion to give some information regarding the business done in the Court of Chancery, when I come to speak of the recent Lord Chancellors.

Great reforms have of late years, been made in the Court of Chancery, chiefly through the instrumentality of Lord Brougham; and never were reforms more needed. It was, for a long period, in a most frightful state. What between its enormous expenses and its interminable delays, it has ruined numerous wealthy families who have had the misfortune to enter or be dragged into it. Many a heart has it broken; many a suicide has it been the cause of.

During the proceedings in this court, the great seal is always supposed to be lying on the table before his lordship. This, however, is a fiction. The seal itself is never there: it is carefully locked up in the Lord Chancellor's house. Nothing but the bag, which contains it on important occasions, is on the table. This bag is made of a peculiar kind of silk, and has the designs of the seal itself wrought into it.

The VICE-CHANCELLOR'S COURT is of recent origin. It was established in the fifty-third year of the reign of George the Third. The reason assigned for its institution,

was the great increase in the business of the Court of Chancery. All its jurisdiction is derived from the latter court. The Vice-Chancellor is completely under the Lord Chancellor. The Vice-Chancellor's Court can hear and determine all cases which the Court of Chancery sends into it,—only that all its decisions are subject to be reversed by that court. Indeed its decisions are not properly speaking law, until they have received the signature of the Lord Chancellor. The Vice-Chancellor is created by the sovereign's letters patent, and must, before his appointment, have been at least fifteen years at the bar. He must sit whenever the Lord Chancellor requires him so to do. As regards rank and precedence, he is next to the Master of the Rolls.

The ROLLS COURT may also be regarded as a branch Court of Chancery; with this difference, that it is strictly, in practice at least, a court of equity. After the details I have given of the Court of Chancery, it is unnecessary to make any remarks explanatory of its powers. The business now done in it is large, and oftentimes cases of very great importance are heard and decided by it. The Master has, on various occasions of late years, presided in the Court of Chancery in the Lord Chancellor's room, when the latter has been unavoidably absent.

All the equity courts sit, with very few and very short intervals, throughout the year. The terms which regulate the sittings of the law courts do not at all affect them. They sit during the chief part of the year in Chancery Lane.

Such are the courts at Westminster Hall. Those who have paid any attention to their proceedings (not by reading the newspapers,—for mere reports of the most important cases only appear,—but by personal observation), must have been struck with the trifling circumstances out of which many of the causes arise, and the

consequent folly of the litigants. The "glorious uncertainty" of the law, as regards the decisions, is proverbial: "the glorious certainty" as to the expense on either side, is equally great. It is a very common thing for the successful party to be out of pocket. How many successful litigants have I known who might, with a peculiar emphasis, say with the general of old after he had gained a battle, "Another such victory and I am lost!" Nay—how many have I known to be ruined by one such victory! I have known instances in which, where the sum contested was small, the expenses exceeded that sum five or six times. How often are both parties ruined by litigation! Two such persons may be appropriately compared to the Kilkenny cats, which, on finding themselves tied together by their tails, fought with each other till nothing but their tails remained.—*Grant.*







THE LORD CHIEF JUSTICE IN HIS ROBES.

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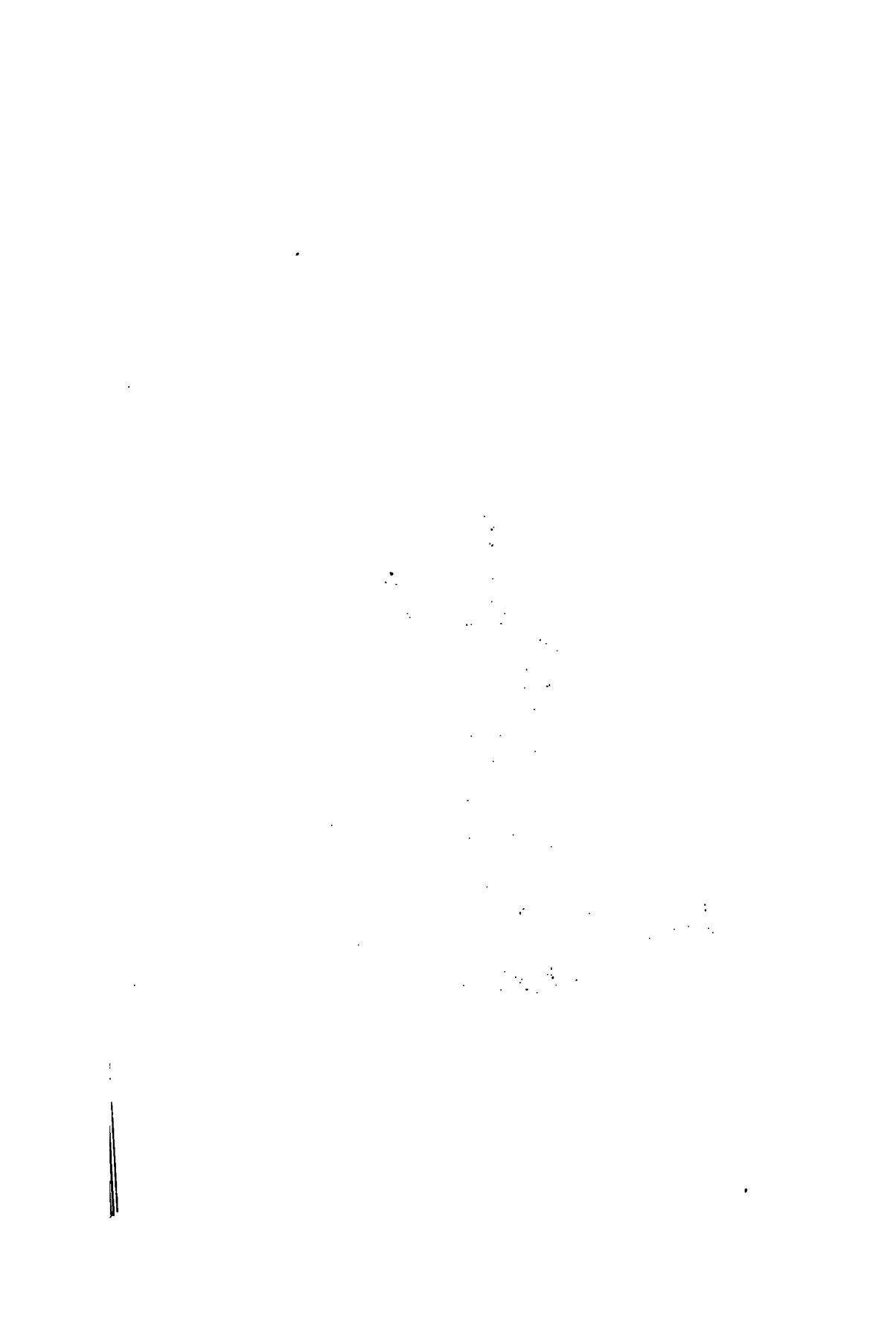
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#### CHAPTER IV.

**L**ORD ELLENBOROUGH'S infirmity of temper, as might have been expected, often brought him into unpleasant collision with counsel at the bar. The scenes which were sometimes exhibited on such occasions, were not calculated to add to the dignity of the proceedings in a court of justice. But the only instance in which any squabble with the person addressing the court seems to have made a permanent impression on his own mind, was the trial, in 1817, of Mr. William Hone, at that time a well-known vender of political pamphlets. Mr. Hone had been indicted on three several informations, for sedition and blasphemy. Mr. Justice Abbott, afterwards Lord Tenterden, presided at the trial of Mr. Hone on the first information. To the infinite surprise of Lord Ellenborough, and I believe of the government also, at whose instance, as a matter of course, the informations had been brought, the defendant was acquitted. Lord Ellenborough conceiving the case to be so clear against Mr. Hone, that no jury, if the law and the facts were brought fairly before their minds, could hesitate to convict, said, immediately on hearing of the acquittal on the first information, "I'll go down," meaning to the Court of King's Bench at Guildhall, "I'll go down and preside myself to-morrow." His lordship did so, and the trial on the second information proceeded. The court was crowded to suffocation, the case having excited the deepest interest. Mr. Hone defended himself in person. Regarding himself as in some measure a martyr to his

opinions, and encouraged by the sympathies of a crowded court, he evinced the greatest self-possession throughout the proceedings; and being naturally a man of great readiness in replying to any observation made against him, he made some exceedingly happy remarks when Lord Ellenborough interfered with the manner in which he was conducting his case; and these remarks almost invariably elicited simultaneous bursts of applause from the spectators. This very naturally irritated the temper of Lord Ellenborough,—such demonstrations being no doubt unbecoming the solemnity of a court of justice. His lordship at last, losing all patience, sent for Mr. Sheriff Desanges and his colleague; and on their entering the court, he addressed the former in most indignant tones, in these terms:—"I have sent for you and your colleague, sir, as there is an absolute necessity for your presence. There have been most unseemly disturbances in the court; you are the persons who are responsible, and you *shall* be responsible; and, therefore, you will use your utmost activity in apprehending any persons who dare to interrupt the course of justice." In a very short time after this, Lord Ellenborough, who had a little before refused to allow Mr. Hone to retire for a moment from the court, though very unwell, refused him permission to read some extracts from a newspaper which he thought essential to his defense; on which he, with peculiar emphasis, exclaimed, "My lord! my lord! your lordship is not on your trial—I am." A member of the bar, who was present on the occasion, once mentioned to me that he never witnessed anything else which produced such an effect. It acted with the simultaneousness of electricity on the audience. A peal of applause, which lasted for some time, showed the response which their bosoms gave to the felicity of the remark. When silence had at length been obtained,

Lord Ellenborough again adjured the sheriffs, in angry tones, to do their duty. They replied that they could not fix on any particular individual, as they had been confounded by the instantaneousness and universality of the plaudits. On this Lord Ellenborough, worked up into a paroxysm of rage, and as if scarcely knowing what he said, exclaimed, "Open your eyes and see; stretch out your hand and seize the offender!" The trial went on amidst various other similar interruptions, and the defendant was again acquitted. It was thought the third information would under these circumstances, be abandoned; but such was not the fact. Lord Ellenborough took his seat next day on the bench, and the Attorney General proceeded with the case against Mr. Hone. The court was again, and to a greater extent, the scene of similar exhibitions: and the result of the proceedings was, as before, the acquittal of the defendant. When the verdict of "Not Guilty" was returned, the applause was absolutely deafening. Lord Ellenborough was the same evening heard to say to a friend whom I will not name, "I must bend down till the storm blows over." This was the first time he had ever been known to utter any expression indicative of yielding to the pressure of circumstances. He never was himself again. He died in about twelve months afterwards, and some said of a broken heart.

He once presided on a trial of a horse cause in which a privy councillor was party. During the trial, the right honorable baronet took his seat on the bench, and ventured, in the course of the trial, to whisper an observation to the chief justice, "If you address me again, sir," exclaimed Lord Ellenborough, "I shall commit you to the custody of the marshal." On one occasion, a storm had driven a party of the Westminster volun-


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teers to take refuge in the hall. Hearing the clatter of the musketry, Lord Ellenborough called out, "Usher, what noise is that?" "Oh, my *lud*," said the usher, "its only the volunteers *exorcising*, my *lud*!" "*Exorcising!* are they; well, sir, we will see who is best at that. Tell the volunteers, if they do not depart instantly, I shall commit them to the custody of the tip-staff!"

It is said that a Quaker once came up to be examined before him, who did not wear the broad brim and drab, which are usually held involved in the idea of a Quaker. The crier of the court, not knowing the witness's religious creed, put the book into his hand, and was about to administer the oath; but he refused to be sworn, and required that his affirmation should be taken. The crier appealed to the Chief Justice, who asked the witness if he were a Quaker. The witness replied he was. "Do you mean, sir, to impose upon the court," said Lord Ellenborough, "by appearing here in the disguise of a reasonable being?"

In returning from a continental tour, Lady Ellenborough smuggled, unknown to her husband, a variety of French goods. The revenue officers received information of this, and stopped the Chief Justice's coach in the Dover Road. Lord Ellenborough indignantly denied that any smuggled goods were secreted in his carriage; the officers, however, insisted on searching it, and to the horror and amazement of the unconscious functionary of the law, drew forth sundry rolls of lace, packets of gloves, and frippery of various kinds, which at once justified their suspicions, and rewarded their industry.—*Grant*.

LORD TENTERDEN was the son of a barber at Canterbury, whose house stood on the left hand side of the western entrance to the cathedral, and who has been described as "a tall, erect, primitive looking man, with a large club-pigtail behind him, and the instruments of his business under one arm, attended frequently by his son, the present Chief Justice—a youth as decent, grave, and primitive looking as himself." He received his education at Canterbury school. "I remember him at school," says an old school-fellow, "well—grave, silent, and demure; always studious and well-behaved; reading his book instead of accompanying us to play, and recommending himself to all who saw and knew him, by his quiet and decent demeanor. I think his first rise in life was owing to a boy of the name of Thurlow, an illegitimate son of the Lord Chancellor, who was at school with us. Abbott and this boy were well acquainted; and when Thurlow went home for the holidays, he took young Abbott with him. Abbott thus became acquainted with Lord Thurlow, and was a kind of helping tutor to his son; and I have always heard, and am persuaded that it was by his lordship's aid that he was afterwards sent to college. The clergy of Canterbury, however, always took great notice of him, as they knew and respected his father." Lord Tenterden never displayed any false shame on the subject of his parentage;—indeed, not long before his death, being at Canterbury with his eldest son, he visited the former insignificant dwelling of his father, and pointed out to him, with evident satisfaction, the scene of his early years. It has been said also, that when on the home circuit, he accompanied Mr. Justice Richards in a visit to Canterbury Cathedral. After attending the morning service, Mr. Justice Richards made some remark on the voice of one of the "singing men." "Ah," said Lord



Tenterden, "that's the only man I ever envied. When we were at school in this town, we were candidates together for a chorister's place, and he obtained it." He went to Oxford, where he obtained a fellowship, and for some time resided at the University as college tutor.—*Grant.*

We have heard—that in his matters even in private life, something of the precise and formal habits of the pedagogue might be detected. One day, while entertaining the barristers of his circuit at his table, he asked a magistrate who was present, if he would take some venison. "Thank you, my lord," was the reply, "I am going to take some boiled chicken." "That, sir," testily answered the Chief Justice, "is no answer to my question. I ask you again, if you will take some venison, and I will trouble you to say 'yes,' or 'no,' without further prevarication!"—*Law and Lawyers.*

When Hone was tried before him for blasphemy, Lord Tenterden treated him with great forbearance: but Hone, not contented with the indulgence, took to vilifying the Judge. "Even in a Turkish court, I should not have met with the treatment I have done here," he exclaimed. "Certainly," replied Lord Tenterden, "the bowstring would have been round your neck an hour ago."—*Law and Lawyers.*

The last trial at which Lord Tenterden presided, was the memorable one of the Bristol magistrates, for the riots in that city. This was in 1832. He was observed for some months before, to have been gradually getting weaker and weaker. His altered looks clearly showed that his health had been seriously affected; and his friends did everything they could to

dissuade him from undertaking to preside at a trial which must, of necessity, invoke so much mental anxiety, and subject him to so much physical fatigue. Still he would preside. In the course of the proceedings every one saw how physically unfit he was for the task. He fainted several times on the bench; and at last nature gave way to such an extent, that he was no longer able to maintain a sitting posture. He was taken home; but he insisted every day, until the case was finished, on seeing the notes of the other judges. These he examined carefully, and made remarks on the various circumstances which transpired in the court, as they appeared in those notes. He grew gradually worse, and for a short time before his death, which took place in ten days after he had been taken out of the court, he was partially insensible. A few minutes before he expired, his reasoning powers returned to him. He conversed a short time with his friends, and after a momentary pause, said, "Gentlemen of the jury, you may retire." These were his last words—he died a few seconds after he had uttered them. This circumstance shows how completely the trial in question had engrossed his thoughts, until seized by the temporary unconsciousness. And the case returned to his mind with his returning consciousness. At the moment he gave utterance to the words quoted, he no doubt fancied himself sitting in the court, and addressing the jury.—*Grant.*

I believe that on no occasion did Mr. SCARLETT ever give such scope to his powers of inflicting torture, as on one in which poor old Cobbett fell into his clutches. This was thirteen or fourteen years ago. Cobbett had for seven or eight months before, been heaping, in almost every successive "Register," his own unrivaled abuse on Mr. Scarlett. What the character



of that abuse was may be at once understood when I mention, that in vituperating Mr. Scarlett, Cobbett even surpassed himself. This abuse of Mr. Scarlett was always poured out in the shape of a letter addressed to Mr. S. himself; and in order that he and the reader might be prepared for what was to follow, the letters invariably began with, "Base Lawyer Scarlett," instead of with the usual term, "Sir." Mr. Scarlett smarted most sensibly under the castigations which Cobbett thus administered to him, week after week; and therefore very naturally took the opportunity of retaliating when poor Cobbett was brought into a court of law. The ground of action against Cobbett was an alleged libel on a then attorney, whose name I forbear to mention because he is still living. Against old Cobbett were arrayed Messrs. Brougham, Denman, and Scarlett—a formidable trio certainly, for a poor unprofessional man like Cobbett to have pitted against him. Mr. Brougham and Mr. Benham were severe enough in denouncing the alleged libel and its author; but still Cobbett did not fancy he saw in them any effort to gratify individual vindictiveness. With Mr. Scarlett, he thought the case was different. He supposed that with him it was altogether a personal affair, and that what he exclusively aimed at was the gratification of private revenge. Cobbett, however, determined that before he quitted the court he would return the blows which had been so liberally dealt out to him by Mr. Scarlett. The latter concluded his speech in words to the following effect:—"Gentlemen of the Jury, it is impossible for me to estimate the amount of injury which this malignant and systematic libeler (pointing to Cobbett) has inflicted on my client; and no damages, however great, can afford him compensation for the injury thus done him. Gentlemen, my client is at present an attorney, but had the

intention of preparing himself for the bar; and being a young man of great talents, there was no distinction in the profession to which he might not have reasonably expected to attain. Nay, gentlemen, I will say, that even the Woolsack itself was an elevation to which he would have been justified in aspiring. But, gentlemen, the virulent calumnies with which this notorious trader in libels has heaped upon him, have blasted all his fair prospects, and well-nigh broken his heart. It is, therefore, for you, gentlemen, to mark your abhorrence of the atrocious conduct of this person, by giving a corresponding amount of damages." Cobbett rose immediately on Mr. Scarlett's resuming his seat, and putting both hands beneath the ample tails of his coat, and eyeing the jury with a bland and humorous expression of countenance, said—"Gentlemen, you are men of the world, and must laugh in your own minds at all the flummery you have just heard. You know, gentlemen, such stuff about injury to character, and blasting one's prospects, and destroying one's peace, is to be heard in this court every hour of the day. The lawyer,"—pronouncing the word in a way which gives it a very emphatic and a very unpleasant meaning,—“the lawyer who has been vilifying me for the last hour and a half, would do the same, gentlemen, in either of your cases if hired for the purpose. You know, gentlemen, that like the girls who walk the street, these persons (pointing to Messrs. Brougham, Denman, and Scarlett) will prostitute themselves to any dirty work for which they may be engaged. They are always, gentlemen, at the service of the highest bidder. The great crime, it seems, gentlemen, which I have committed, is that of having crushed a *lawyer* in the egg.”—*Fay*.

About six months ago a rather amusing scene oc-

curred at one of these assizes, between BARON BOLLAND and a farmer who had been summoned as a jurymen. The farmer claimed exemption from the duties of a juror on the ground that he was deaf.

"Are you *very* deaf?" inquired his lordship, raising his voice, and addressing himself to the farmer, who stood up at the time in the witness-box.

The farmer was silent.

"He does not hear your lordship," observed one of the officers of the court.

"Are you *very* deaf?" repeated the judge, shouting as loud as his lungs would permit.

"*Werry*, please your lordship," answered the farmer, drily.

"Are you deaf in both ears?" asked the judge.

"Did your lordship speak?" inquired the farmer, looking at the judge with an irresistibly droll expression of countenance.

"I asked you whether you were deaf in both ears," repeated his lordship, again speaking at the full stretch of his voice.

"I can hear a little with one ear, my lord, when I turns about the side of my head to the person speaking."

"O in that case," said the judge, speaking in a very low tone of voice, "O in that case we may exempt you; for jurors must have two ears—one for the prosecutor and the other for the prisoner. You may go."

The farmer nodded thanks to the court, and was in the act of descending from the witness-box, when his lordship observed, again speaking in a low tone of voice, "O you hear that, do you?"

"O yez, my lord, I hears *that*," answered the farmer, with infinite dryness of manner.

"With *both* ears, I dare say," added his lordship.

"O yez, with both on 'em," replied the farmer, amidst

the most deafening shouts of laughter, in which his lordship heartily joined.

LORD BROUGHAM was never a favorite with the ladies. And this is not to be wondered at; for of all the public men I know, he has the least gallantry. I recollect one day, a short time before his retirement from the office of Lord Chancellor, that a remarkably interesting and very pretty young lady had been in attendance from a little after the opening of the court in the morning till nearly three o'clock. She often cast a wistful look towards his lordship, as if she had something she wished to say to himself; but the same case having lasted all the above time, no opportunity presented itself of making any communication to him. The counsel, as they passed in and out of the court, bestowed many a glance upon the unknown beauty; and even Sir Charles Wetherell himself relaxed in the rigidity of his features as he stole a look at her pleasant and handsome countenance. On the case before the court terminating, she ventured with a trembling step and a palpitating heart, in over to the place where the attorneys sit, and thence endeavored to reach a paper she held in her hand to his lordship. "What's this?" said he, with all that tartness of manner, for which he is distinguished, and without deigning to take the paper from her. "It's a petition, my lord, to your lordship," said the young lady, in a faint and faltering voice, her countenance deeply coloring. "Give it to my secretary—give it to my secretary," said he, in still harsher tones, shaking his hand as if there would have been pollution in the touch. The poor young creature seemed as if she could have dropped on the floor. The secretary took the paper from her, and she quitted the court. Not only the strangers in the court, but all the bar,

though lawyers' hearts are not in general remarkable for their softness, felt deeply for the situation of the young lady; and that feeling was strongly expressed in several of their countenances. I have often before seen Sir Charles Wetherell look sulky, but this was the first time I ever saw him look absolutely savage. Neither Lord Eldon nor Lord Lyndhurst would have acted, for worlds, in the same way to so modest and interesting a young lady. And here I must observe, though myself tinctured with Liberalism, that the Liberals cannot stand a moment's comparison with the Tories, either for politeness to their fellow-men, or for gallantry to the fair sex.—*Jay*.

Lord Brougham had a great horror of hearing the interminable speeches which some of the junior counsel were in the habit of making, after he conceived everything had been said which could be said on the real merits of the case before the court by the gentlemen who preceded them. His hints to them to be brief on such occasions, were sometimes extremely happy. I recollect, that after listening with the greatest attention to the speeches of two counsel on one side, from ten o'clock to half-past two, a third rose to address the court on the same side. His lordship was quite unprepared for this additional infliction, and exclaimed, "What! Mr. A——, are *you* really going to speak on the same side?"

"Yes, my lord, I mean to trespass on your lordship's attention for a short time."

"Then," said his lordship, looking the orator significantly in the face, "then, Mr. A——, you had better cut your speech as short as possible, otherwise you must not be surprised if you see me dozing; for really, this is more than human nature can endure."—*Grant*.

A strange scene occurred in the Court of Chancery between Lord Brougham and a maniac, in the spring of 1834. A man having the dress, and a good deal of the appearance of a gentleman, taking advantage of a momentary pause in the proceedings, rushed in over to that part of the court where the attorneys usually sit, and addressing his lordship in a broad Irish accent, inquired whether he might be permitted to say a few words.

"What is the nature of the application you are about to make?" inquired his lordship.

"Och, and sure, it relates to myself!" answered the insane person.

"I have no doubt of that. Pray what is its nature?" continued his lordship.

"It is of a compulsory nature, please your honor."

"Still, you do not answer my question; and therefore I cannot hear you. You must sit down," said Lord Brougham, tartly.

"Faith, then, if that's the way you are to be after bidding me sit down, I must tell your worship that it's myself don't like the same at all at all. I deserve better treatment for my sarvices," observed the poor fellow.

"Pray tell me, then, what you want the court to do for you," reiterated his lordship.

"Och, if it's to do for me, your honor manes, I'll soon be after telling it to you. I want your lordship to institute proceedings against Lord Grey and Lord Althorp and some others of his Majesty's government."

"On what grounds?" inquired his lordship.

"Was it the grounds your honor would like to know? Och, sure the grounds are as good as can be—for refusing to answer my letters, your worship."

"That is a matter in which I cannot interfere. I cannot compel these noblemen to be prompt or punctual

in answering their correspondents," remarked Lord Brougham.

"Oh! but by the powers, it's your honor can do that same if you likes."

Lord Brougham, who evidently did not perceive until now that the unfortunate man was laboring under an aberration of intellect, inquired, speaking in a more subdued and conciliatory tone, what was the nature of the letters he had sent to Lords Grey, Althorp, &c.

"Your honor, they were about nothing else than that same cure for the cholera which I have discovered."

"O, you're a doctor, are you?"

"Faith, and whose business is it, whether I am or not, your honor? It's myself that was nine weeks in Tipperary without being in bed at all at all, during the cholera. I was all that time attending to the sick, your lordship; and I want government to give me remuneration for my humanity and public sarvices, especially as I have discovered an infalliable cure for that same disease."

"O, you have a very strong claim on government, undoubtedly; I'll take care to make them answer your letters," said his lordship, deeming that the best way of getting rid of the unfortunate man.

"Long life to your honor! may you long live to sit in the *sait* of Thomas More!" shouted the lunatic, in tones which resounded through the court; and then, making a low bow to his lordship, he retired.

On the following day a report of the scene was given in the Morning ——— and Morning ———. The reporter for the first journal represented the unhappy man as having said the seat of Mr. Thomas Moore: the other reporter put it, "Sir Thomas More," but gave in italics, according to his Irish accent, the word seat as "sait." Having seen the report of the affair in the two

papers in question, the maniac immediately hurried down to the court, and arrived a few minutes before Lord Brougham had taken his seat. Going in over to the reporter for one of the evening papers, he inquired whether he knew the reporter for the Morning —— . The other answered in the affirmative. "Well, then, would you be after telling him for me, that he is a great blockhead? He has made me say Mr. Thomas Moore for Sir Thomas More. Sure, everybody knows that little Tommy the poet never sat on that sait," pointing to the Lord Chancellor's seat.

"Every one knows that," said the reporter.

"And is it yourself that knows the reporter for the Morning —— ?"

The other answered in the affirmative.

"O! then the spalpeen has insulted myself, and ridiculed my country."

"He ought not to have done that," said the reporter.

"But, faith, and he has done that same, though, by making me say 'sait,' in italics."

"That was very improper."

"Do you know the fellow?"

The reporter answered in the affirmative.

"Is he respectable?"

"He is quite respectable."

"Is he a gentleman?"

"He is a gentleman, both by education and manners."

"Then will you do me the favor to hand him this?" giving the reporter his card to transfer to the reporter for the Morning —— . "You understand the thing—do you?"

"Perfectly so."

"Perhaps you'll be his friend; if so, you——"

"I *am* his friend," said the reporter, interrupting the insane man.



“But I mane at the duel; in which case I should like the affair to be proceeded with as soon as possible.”

The reporter, not being accustomed to affairs of honor, now, for the first time, discovered the object for which the card of the poor fellow was given him, and discovering that his intellects were disordered—a fact of which he was until now ignorant, not having seen a paper that morning, nor been in court the previous day—he conciliated him by promising that his wishes should be strictly attended to.

At this moment Lord Brougham made his appearance in court, on which the lunatic observed, “O, I won’t trouble your honor at this time: I’m only settling a small matther with the reporthers;” and bidding his lordship good morning, he quitted the court.

On one occasion, while Sir Edward Sugden was pleading before his lordship in a very important cause, and just when in the middle of what he conceived to be the most essential part of his speech, Lord Brougham suddenly threw back his head on his chair, and closing both eyes, remained in that position for some time, as if he had been asleep. Sir Edward Sugden abruptly paused, waiting no doubt till his lordship should resume an attitude which would be more encouraging for him to proceed with his speech. On this, Lord Brougham suddenly started up from his reclining position, and resuming that in which he usually sat on the bench, apostrophised Sir Edward after the manner so peculiar to himself:—“Go on, Sir Edward; proceed, Sir Edward; what’s the cause of the stoppage?”

“My Lord,” answered the latter, “I thought your lordship was not attending to my argument.”

“You have no right to think any such thing, Sir





LORD BROUGHAM.



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Edward ; it's highly improper in you to do so ; go on, if you please."

Sir Edward resumed his speech, but had not addressed the court above two or three minutes, when Lord Brougham, addressing the officer, said, in his usual hasty manner, "Bring me some sheets of *letter-paper* directly."

Of the folio size always used in court, his lordship had an abundant supply before him.

"Yes, my lord," said the obedient officer, withdrawing for a moment to execute his lordship's commands. He returned in a few seconds, and placed some half dozen sheets on the desk. His lordship immediately snatched up a pen, and commenced writing as if he had been inditing a letter to some private friend. Sir Edward again paused in his address to the court, and leaned with his elbows on the bench before him, as if willing to wait patiently until his lordship should finish his epistolary business.

"Sir Edward!" exclaimed the Lord Chancellor in angry and ironical accents, after the learned gentleman had been silent for a few moments, "Sir Edward! pray what's the matter now?"

"I thought, my lord, that your lordship was temporarily occupied with some matter of your own."

"Really, Sir Edward, this is beyond endurance."

"I beg your lordship's pardon ; but I thought your lordship was writing some private letter."

"Nothing of the kind, Sir Edward," said his lordship, tartly ; "nothing of the kind. I was taking a note of some points in your speech. See, would you like to look at it?" said he, sarcastically, at the same time holding out the sheet of paper towards Sir Edward.

"O not at all, your lordship. I do not doubt your lordship's word. I must have been under a mistake."

Sir Edward again resumed, and Lord Brougham, throwing his head back on the chair, looked up towards the ceiling of the court.—*Campbell.*

In private life LORD LYNDHURST performed many generous actions. I will just mention one of these. A year or two ago, one of the most violent Radicals of the present day addressed a long letter to his lordship, detailing the distressing circumstances in which, through ill health, the infirmities of old age, and the want of even the necessaries of life, he was placed, and soliciting charity. His Lordship read the letter with attention, and feeling for the painful situation in which the party was placed, handed it to his secretary, saying, "Make out a check on my banker's for five pounds, to this poor man." The secretary, on looking at the signature, exclaimed, "My lord, are you aware who this man is?"

"No," said his lordship; "I do not recollect having before seen the name."

"Why this is the notorious Radical, G—— J——, who has for many years been so grossly and virulently abusing your lordship."

Lord Lyndhurst stretched out his hand for the letter, looked again at the contents for a few seconds, and then observed, addressing himself to his secretary, "O, never mind what he has been in the habit of saying about me; the poor man seems to be in a very distressed condition—get the check ready, and send him the money."—*Law and Lawyers.*

Perhaps no Chancellor ever gave so many church benefices to poor clergymen of real merit as THURLOW. Among other instances of his eccentric goodness the following appears to deserve peculiar notice. A curate who had a numerous family, but no patron among the great, was prompted by his wants and a favorable op-

portunity which the sudden death of his rector afforded to make a personal application to Thurlow. The Chancellor was struck with his appearance and address, and after hearing his story, whimsically asked him, "Whom have you to recommend you?" "Only the Lord of Hosts, my lord." "Well," replied Thurlow instantly, "as it is the first recommendation I have from his Lordship, be assured that I shall attend to it." The living was given to the meritorious applicant.—*Jeaffreson*.

When Lord Thurlow's patent of peerage was being registered, the herald inquired the name of his lordship's mother. "I don't know!" vociferated the Chancellor in a tone of thunder. Lord Thurlow by his natural disposition was utterly disqualified, one would have thought, for discharging the duties of a Judge, or performing the part of a courtier. His violent and often ungovernable temper, which, in its subdued modes, deserved the name of surliness or bluntness, seemed to form an insuperable impediment to success in either of these capacities. Yet despite of it Lord Thurlow was a supple and pliant courtier, and, although his learning has possibly been overrated, an able and impartial Judge. He showed the natural fierceness of his disposition when quite a boy. Dr. Donne, one of the prebendaries of Canterbury Cathedral, held a living somewhere in the neighbourhood of Thurlow's father, with whom he became intimate. Having observed that young Thurlow was rough and overbearing, he obtained his father's permission to send him to Canterbury school, with the master of which he had had a quarrel, in the hope that the intractable temper and fearless insolence of the future Chancellor would render him a constant source of annoyance to the unfortunate master. This plan, so creditable to its designer, is said to have suc-



ceeded most admirably; and Thurlow realized every expectation that the reverend prebendary had formed respecting his powers of annoyance.

At Cambridge he became notorious for the daring he displayed in setting the discipline of his college at defiance, and in exhibiting a most supreme contempt for the persons and characters of those by whom that discipline was maintained and enforced.

Upon one occasion, having been guilty of some act of insubordination, he was summoned before the Dean, who as a punishment for his offense desired him to translate a paper of the *Spectator* into Greek, and when he had done so to bring the translation to him. The first part of the order Thurlow obeyed; the second he disregarded. He easily performed the task imposed, but, to annoy the Dean, whose deficiencies in classical learning was notorious, carried it to one of the tutors. When the Dean heard of this, he assembled all the resident Fellows of the College, and sent for Thurlow. Upon Thurlow's entering the room, the Dean thus addressed him: "How durst you, sir, carry your translation to Mr. —, when I desired you to bring it to me?" Thurlow replied, with the greatest composure, "that he had done so from no motive of disrespect to the Dean, but really from a compassionate wish not to puzzle him." The enraged Dean immediately desired him to quit the room, and then, turning to the Fellows present, declared that Thurlow ought to be either expelled or rusticated. Some one, however, wisely suggested that if publicity were given to the transaction, the reputation neither of the Dean nor of the college would be much benefited; and that it would be far more prudent to let the matter drop than attract further notice to it. This advice was followed.

With this Dean, Thurlow appears to have been involved in constant warfare. Upon another occasion, when summoned before him to answer some charge that had been brought against him, Thurlow's demeanor was not quite so respectful as the Dean considered befitted their relative stations, and rather sharply reminded him that he was speaking to the Dean of his college. Thurlow, in nowise abashed at this reproof, assumed a mock reverential air, and in every sentence of his vindication took care to insert "Mr. Dean," until the irate dignitary was compelled to dismiss both the accusation and the accused. At length, however, Thurlow received a friendly recommendation to withdraw himself from the University, in order to prevent the necessity of a formal expulsion. He left Cambridge without a degree.

But Thurlow, though a rough, harsh, and violent, was not a bad-hearted man. When he had become Chancellor, he sent one morning for his old friend the Dean, who had not forgotten, it is said, their enmity. Upon his entry, the Chancellor accosted him: "How d'ye do, Mr. Dean?" "I have quitted that office, my lord," said the reverend divine rather sullenly; "I am Mr. Dean no longer." "Well, then," said his lordship, "it depends upon yourself whether you be so again. I have a deanery at my disposal, to which you are heartily welcome."—*Campbell*.

Crabbe, soon after he came up to London, a poor penniless adventurer, sent a copy of verses to the Chancellor, with a letter imploring the honor of his patronage. To this application Thurlow made a cold reply, regretting that his avocations did not leave him leisure to read verses. Crabbe, stung with this repulse, addressed to him some strong but not disrespectful lines, intimating that in former times the encouragement of literature

had been considered as a duty appertaining to the illustrious station he held. Of this effusion the Chancellor took no notice whatever.

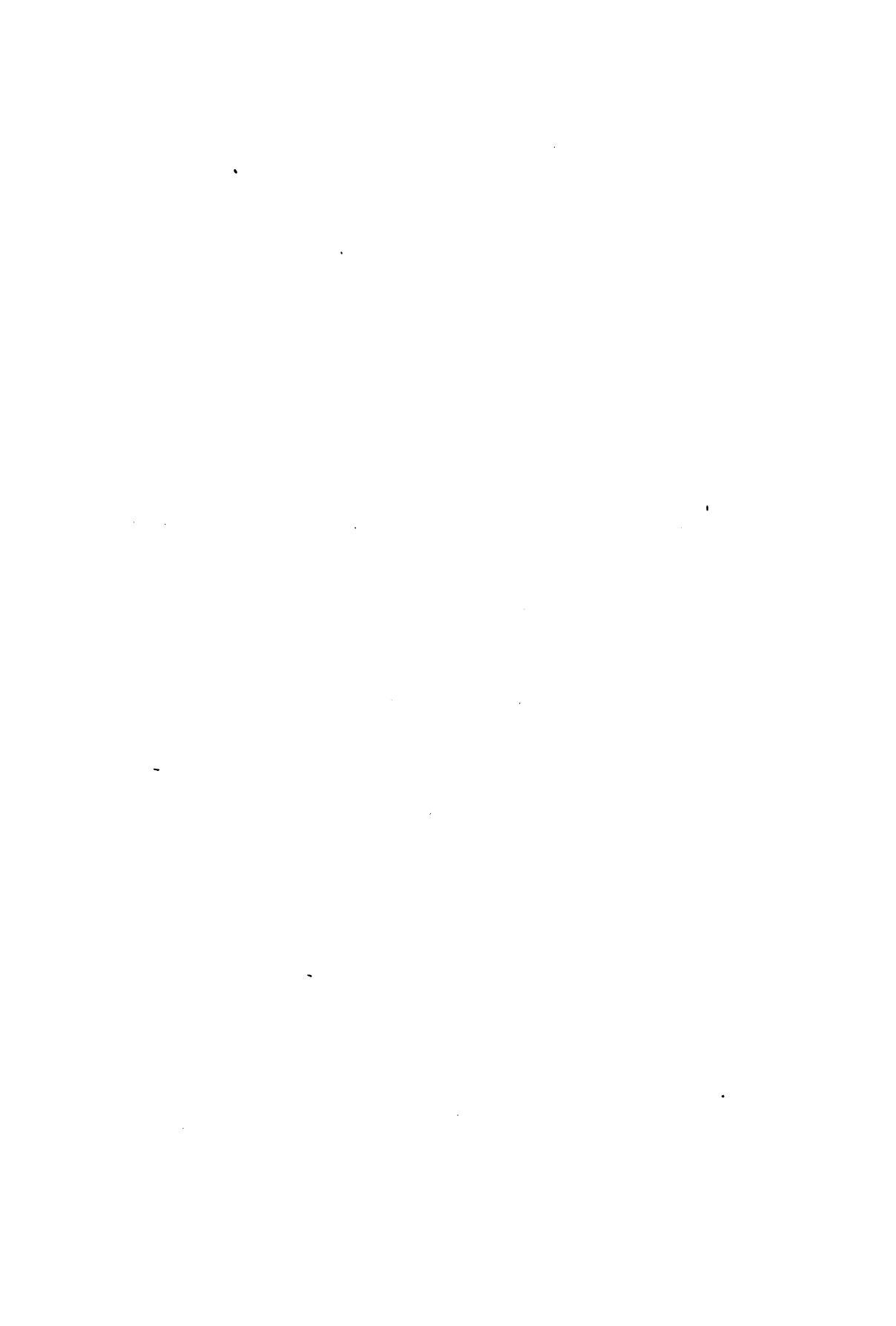
After Crabbe had, through the discriminating goodness of Burke, been relieved from the immediate pressure of distress, he received a note from Thurlow inviting him to breakfast the next morning. He was received by the Chancellor with more than ordinary courtesy. "The first poem you sent me, sir," said Thurlow, "I ought to have noticed; and I heartily forgive the second." They breakfasted together, and at parting, his lordship put a sealed paper into Crabbe's hand, saying, "Accept this trifle, sir, in the mean time, and rely on my embracing an early opportunity to serve you more substantially when I hear you are in orders." The paper contained a bank note for one hundred pounds. The promise Thurlow made at that time he soon performed. When Crabbe was qualified to hold Church preferment, he received an invitation to dine with the Chancellor. After dinner, addressing the poet, his lordship told him that "by G—, he was as like Parson Adams as twelve to a dozen," and that he should give him two livings in Dorsetshire that had just become vacant.

As Speaker of the House of Lords, Thurlow was distinguished for the dignity with which he enforced the rules of debate. Upon one occasion he called the Duke of Grafton to order, who, incensed at the interruption, insolently reproached the Chancellor with his plebeian origin and recent admission into the peerage. Previous to this time, Thurlow had spoken so frequently that he was listened to by the House with visible impatience. When the Duke had concluded his speech, Thurlow rose from the woolsack, and advanced slowly to the

place from whence the Chancellor generally addresses the House; then, fixing upon the Duke the look of Jove when he grasps the thunder, "I am amazed," he said, in a level tone of voice, "at the attack which the noble lord has made upon me. Yes, my lords," considerably raising his voice, "I am amazed at his grace's speech. The noble Duke cannot look before him, behind him, or on either side of him, without seeing some noble peer who owes his seat in this House to his successful exertions in the profession to which I belong. Does he not feel that it is as honorable to owe it to these, as to being the accident of an accident? To all these noble lords the language of the noble Duke is as applicable and as insulting as it is to myself. But I do not fear to meet it single and alone. No one venerates the peerage more than I do; but, my lords, I must say the peerage solicited me, not I the peerage. Nay more, I can say, and will say, that as a Peer of Parliament, as Speaker of this right honorable House, as Keeper of the Great Seal, as Guardian of his Majesty's conscience, as Lord High Chancellor of England, nay, even in that character alone in which the Duke would think it an affront to be considered, but which none can deny me,—as a man,—I am at this moment as respectable—I beg leave to add, I am at this moment as much respected—as the proudest peer I now look down upon." "The effect of this speech," says Mr. Butler, "both within the walls of Parliament and without them was prodigious. It gave Lord Thurlow an ascendancy in the House which no other Chancellor had ever possessed; it invested him in public opinion with a character of independence and honor; and this, although he was ever on the unpopular side of politics, made him always popular with the people."

There is one anecdote recorded of Lord Thurlow which reflects the highest credit upon him. In 1782, when Lord North resigned, the King determined to withhold from him the pension usually granted to a retiring Prime Minister. Thurlow, then Chancellor, represented to his Majesty that Lord North was not opulent, that his father was still living, and that his sons had spent a great deal of money. The King answered: "Lord North is no friend of mine." "That may be, sir," replied Thurlow; "but the world thinks otherwise, and your Majesty's character requires that Lord North should have the usual pension." The King, convinced that his Chancellor was in the right, at last gave way. This conduct was not forgotten by Lord North. When the coalition ministry came into power in 1783, Lord North became Secretary of State for the Home Department. Fox having resolved to get rid of Thurlow, North received the King's commands to write to the Chancellor, desiring him to surrender the Great Seal. North positively refused to comply with this order, saying, "When I retired last year, Lord Thurlow was the man who prevented my retreat from being inconvenient to me: shall the first act of my return to office be to give Lord Thurlow pain? I will not do it!" The King was amused at Lord North's pertinacity, and observed that while he kept secretaries he certainly was not bound to write his own letters. Lord North persisting, Mr. Fox was at last obliged to undertake the matter himself, although it did not come within his department. Fox discharged this duty, it is said, in a very harsh manner; which is strange, for harshness was foreign to Fox's character, and Thurlow, it is known, entertained by no means an unfriendly opinion of him.

Thurlow's convivial habits, on one occasion, exposed





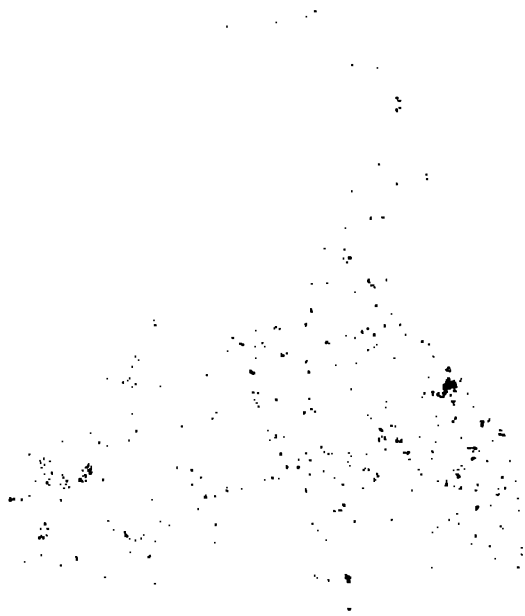
LORD THURLOW.

*Gravimetric Analysis*

Gravimetric analysis is a method of quantitative chemical analysis that involves the measurement of mass. It is based on the principle of conservation of mass, which states that the total mass of a system remains constant during a chemical reaction. In this method, a sample of the substance to be analyzed is weighed, and then a reaction is carried out that converts the substance into a precipitate of known composition. The precipitate is then filtered, dried, and weighed. The mass of the precipitate is used to calculate the mass of the original substance in the sample.

The gravimetric method is one of the most accurate and reliable methods for quantitative analysis. It is particularly useful for the analysis of inorganic compounds, such as metals and metal ions. The method is also used for the analysis of organic compounds, such as carbohydrates and proteins. The gravimetric method is a simple and straightforward technique that can be performed in a laboratory setting. It is a fundamental technique in analytical chemistry and is used in a wide range of applications, from the analysis of raw materials to the determination of the purity of pharmaceuticals. The gravimetric method is also used in the study of environmental pollution, where it is used to determine the concentration of various pollutants in air and water. The method is a cornerstone of analytical chemistry and has been used for centuries to determine the composition of various substances.





him to some peril. He had dined with Mr. Jenkinson at his seat near Croydon, together with Dundas and Pitt (then Chancellor of the Exchequer), and returned home with them in the evening on horseback. When the party, who were all tolerably merry, reached the turnpike-gate between Tooting and Streatham, they found it open. Having no servant with them, they determined to pass through without paying the toll. The keeper, awoke by their horse-hoofs as they galloped through, sprang up and ran into the road; and finding they did not stop when he hallooed, discharged his blunderbuss after them, fortunately without effect. He took them, it seems, for a gang of highwaymen that had been committing depredations in the neighborhood. The story afterwards got about, and excited much amusement.

Thurlow very freely expressed his opinion of Pitt's conduct in supporting the opposition in the impeachment of Warren Hastings. The grounds on which Mr. Pitt supported the impeachment differed substantially from those on which the Opposition proceeded. Pitt grounded his support on the fact that the conduct which Hastings pursued towards Cheyt-Sing (whom he considered as a criminal, but whom the Whigs regarded as an oppressed Prince) showed an intention of punishing him too severely. This intention, Pitt contended, was criminal; and for this intention he should vote for the impeachment. When Lord Thurlow heard of Pitt's reason for supporting Mr. Burke's motion, he reprobated with vehemence the injustice of grounding an impeachment on a mere intention. "If a girl," he said in his growling style, "had talked law in these terms, it might have been excusable."—*Fay*.

The late LORD TRURO, then Mr. Serjeant Wilde, was once concerned for the County Insurance Company in resisting a fraudulent demand made by a Jew furrier for the amount of his insurance on his house and stock, which had been destroyed by fire. The cause was looking very healthy for the Jew, the Sergeant having been able to do very little for the company in the cross-examination of the Hebrew witnesses, who swore that there were fifty real sable muffs in boxes in the shop; until the plaintiff's counsel called as a witness a nice-looking girl, who, after stating that she had been in the Jew's employment in the shop for two or three years, was asked every possible question except about the muffs, which constituted the chief part of the Jew's claim for the value of the stock destroyed. The Sergeant observing this, kindly asked her in his cross-examination what had been the nature of her employment in the shop. "To sew-in linings to the muffs and other articles," was her reply. Then, continuing his kind mode of interrogation, he said, "So you mean to say there was not a sable muff in one of the fifty boxes; how do you know that fact?" inquired the Sergeant. She answered, "Having been called away, I stuck my large needle hastily into one of the boxes. On my return, finding that the needle had slipped through into the box, I pulled the lid off, and saw to my surprise that there was no muff in it." "And how," inquired the Sergeant, "did you know about the contents of the other boxes?" "O, sir," said the girl, "I had the curiosity, whilst all the shop-people were gone to dinner, to open the next, and the next, and the next, and in succession the whole of the boxes, and not a muff was there in any of them." This evidence came upon the court with so much surprise that the Judge said to the plaintiff's counsel, "Surely you will not go on with this cause after such evidence?"

The Jew's counsel, finding that he was in a nonplus, submitted to a nonsuit, very much to the gratification of the Sergeant.—*Fay.*

A very awkward exemplification of Mr. JUSTICE PARK'S injudicious way of thrusting forward his religious sentiments in court, occurred some time ago at a trial at one of the county assizes. A little girl about ten years of age was put into the witness-box to give evidence on the trial then proceeding with. The counsel opposed to the party for whom the young creature appeared, maintained that her testimony could not be received on the matter then before the court, because of her extreme youth, adding that he had no doubt it would be ascertained on examination that she did not understand the nature of an oath.

"We shall soon see what is the extent of her mental capacity," said his lordship. "Little girl," he continued, addressing himself to the youthful witness, "little girl, attend to me."

"Yes, sir," said the girl, making at the same time one of her best curtseys.

"Have your parents given you a religious education?"

"Yes, sir," lisped the young creature.

"They have taught you the Church Catechism, I have no doubt?"

"Yes, sir."

"You know the ten commandments, do you?"

"Yes, sir."

"You could repeat them, I dare say, if you were asked?"

"Yes, sir."

"You're a very excellent girl—a very good child in-

deed. And of course, you have learned the Apostles' Creed?"

"Yes, sir."

"I'm very happy to hear it. It's a great credit to your parents that they have brought you up in this way. No doubt you have also got the Lord's Prayer by heart?"

"Yes, sir."

"And could repeat it at any time if asked?"

"Yes, sir."

"That's a very good girl. Now, my excellent child, just tell us what you do before going to bed?"

The young innocent was silent.

"Don't be ashamed, my good girl, to answer the question. Pray do tell us what you do every night, just before going to bed?"

The girl hung down her head and said nothing.

"Pray don't be afraid or ashamed to answer the question. What *do* you do just before going to bed?"

"Tell his lordship," whispered her father, who stood beside her.

"Aye, come, do tell us," said his lordship, who had heard the whisper. "Speak up, and tell us what you do before going to bed."

"Put off my clothes, and put on my night cap," answered the girl, raising up her head and looking Mr. Justice Park with great simplicity in the face. The court was convulsed with roars of laughter at the oddity of the answer, when compared with that which it was manifestly the object of the judge's questions to elicit. He wished her to say that she was in the habit of regularly attending her devotions before going to bed. And had he put the question direct, whether or not she stately said her prayers before she lay down on her bed, he would at once have got the answer he wished.

The irritable disposition on the part of Mr. Justice Park was often exhibited under very ludicrous circumstances. Some years ago, while a Yorkshire butcher was undergoing an examination as witness in a case in the Court of Common Pleas, an undefinable sound was heard in the immediate vicinity of the witness-box. "Silence in the court, there," cried Mr. Justice Park, in his usual sharp and irritable manner.

"Just repeat that answer to my question," said he, addressing himself to the witness. "The noise which that person made prevented my hearing it distinctly."

"I said, my lord, I was not——"

Here the same undefinable sound was again heard.

"If that person again interrupts the court, I will order him to be taken into custody at once. The court must be respected: there must be no more of these unmannerly noises. Officer, you preserve, at your peril, order in the court."

"Yes, my lord," said the officer, bustling forward and looking eagerly about him, as if determined to detect the party the next time the noise was repeated.

A dead silence prevailed for some seconds after this sharp rebuke was administered to the disorderly party.

"The last question I put to you, witness, was, whether you saw the defendant the night before the transaction was said to have taken place."

"I am not able, my lord, to say positively."

Here the witness was again interrupted by a loud growl from a large mastiff belonging to himself, which flashed conviction on the minds of all present that the author of the two former outrages on the dignity of the court, belonged to the canine, not the human species.

"Whose dog is that?" said Mr. Justice Park, his eyes flashing indignation as he spoke.

"He is mine, my lord," answered the witness.

"Then, sir, you ought to have more respect for the court than to bring him here with you."

"He followed me against my will, my lord."

"Then you must either put him out, or see that he be quiet."

"I'll take care, my lord, that he makes no more noise."

"Tiger," continued the witness, addressing his dog, "Tiger, you be quiet, sir,—you lie down, sir."

The examination was resumed. When Mr. Justice Park came to the sixth or seventh question, Tiger set up another tremendous under-growl, which threw the whole court into convulsions of laughter, and which worked up the irritable faculties of his lordship to the highest possible pitch.

Here it may be proper to observe, that the cause of the different growls which Tiger emitted was a small terrier belonging to some one in the court, with which Tiger seemed, for some reason or other best known to himself, to be on very bad terms.

"Officer," vociferated Mr. Justice Park, "officer, do your duty, and take that dog out of court."

Whether it was that the officer mistook the four-footed author of the disturbance, or that the surly aspect of Tiger frightened him from touching him, I cannot say; but that the fact was, that he was proceeding to take the little harmless terrier out of court, and had no intention of disturbing Tiger, when Mr. Justice Park observed, "Not that dog, officer, but the other. That dog has behaved himself very properly; nothing could be more gentlemanly than his conduct. Leave *him* alone."

The officer, seeing there was no alternative, was proceeding to the place where Tiger was, in order to expel

him, when, in the confusion of the moment, he trod on one of the legs of the little terrier. The latter instantly set up a yowl that lasted for nearly half a minute, and was so loud and harsh in its tones, that it made the ears of all present tingle. "Take *both* the dogs away," shouted Mr. Justice Park, as soon as the yelping of the little terrier, which had before conducted himself with so much propriety and in so "gentlemanly" a manner, would admit of his being heard. The court was cleared of the dogs, and Mr. Justice Park's irritation having in some measure subsided, the trial was proceeded with.

Judges are proverbially sober as well as grave. In the former respect, Mr. Justice Park may challenge a comparison with any of his brethren on the bench. A more sober man was never raised to the judicial seat. The advantages of temperance have long been sung by poets, and dwelt on by novelists, from time immemorial: it is to be hoped the virtue will be held in the same estimation by the generality of mankind so long as the world lasts. Still, as there are exceptions to every rule, so there are to that of the advantages of temperance. Mr. Justice Park, if an amusing anecdote which has been privately communicated to me, may be depended on, could furnish an illustration, gathered from his own personal experience, of the disadvantages of sobriety. As the story goes he had been asked to dine, on one occasion, when going the northern circuit, at the house of an old bachelor friend, equally celebrated for his hospitable habits, and his love of a little harmless fun. Five of the counsel, then going the same circuit as Mr. Justice Park, were also invited to join the festive board. A most ample repast was provided for the guests; to which repast the gentlemen of the long robe did abundant justice. May I add, that the bottle was kept

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in constant circulation during the time the lawyers were at table? Not only did it appear, during the time they sat there, as if the grand philosophical discovery of the "perpetual motion," then so much talked of, had been made, but the *rapidity* with which the bottle made the circuit of the table, exceeded anything ever before witnessed in similar circumstances. The frowns of Mr. Justice Park, as he saw bottle after bottle disappear, almost as suddenly as if they had been snatched off the table by some legerdemain trick of a practiced conjuror, had no effect on the other long-tongued and long-robed guests. At last he determined that he would no longer be a witness to this astounding absorption of wine, and therefore retired, about twelve o'clock, to bed, leaving mine host and guests in that jolly half-seas-over state, which some persons, who know no better, represent as being the happiest in which a man can be on this side the grave. "Good night, gentlemen," said Mr. Justice Park, as he rose to withdraw from the table, and to rid himself of the company of such reprobates.

"Good night, Mr. Justice," hiccuped his friends in the best way they could.

It was immediately after proposed by mine host, and agreed to without any demurrer by all present, that he who first broke up the company by retiring to bed—it had been previously arranged that all of them should sleep that night in the house of their host—should be tossed in a blanket. Everything went on most auspiciously for an hour and a half. A more choice set of spirits never graced the festive board. Mine host had met with guests according to his own heart. But the course of the hospitable table, any more than that of true love, never did run smooth. Mr. Gabble begged to be excused for a few moments. "O certainly," was the unanimous answer.

"Mr. Gabble's good health," was proposed and drank amidst loud acclamations in his absence, after being prefaced with the usual eulogistic observations. He was momentarily expected to return, when every one was ready to apprise him of the honor done him, and when all expected the usual affair of "returning thanks." Half an hour elapsed, and not only was there no prospect of a return of thanks, but there was not the slightest indication of the probable return of the party himself. A general surprise was beginning to be expressed at the circumstances. "Oh, I'll bet you any money, gentlemen," said Mr. Longwind, "that Gabble has given us the slip, and gone to bed."

"You don't mean to say that," said mine host.

"Upon my honor, I do."

"Then we shall punish him," observed mine host.

"Aye, let us have a lark with Gabble. What a shame to sneak away already," shouted the four long-robed gents, at once.

"Come, come," said mine host, snatching up a candle, "come, let us go up stairs to his bed-room and see."

In a moment the party all quitted their seats, and staggered up stairs the best way they could. They entered the apartment nearest the landing, dispensing of course with the formality of knocking at the door. "Hear how the rascal snores," said Mr. Longwind, as he listened to certain sounds evidently emitted through the nasal organs, which emanated from the bed.

"Now, then, for a regular lark, my boys," said mine host, advancing towards the bed.

"Aye, a jolly one," shouted the others all at once. In a moment the hands of the whole five were simultaneously stretched out towards the bed-clothes: but the circumstance of their pulling, in their hurry, dif-

ferent ways at once, prevented the clothes being thrown entirely off the bed in the first instance.

"Pull the fellow himself out, then, instead of the clothes," exclaimed Mr. Brief.

"Aye, out over with the sneaking rascal!" shouted Mr. Bluebag.

"Hold you the candle," said mine host, addressing Mr. Fagg, and stretching out his hand as he spoke. "Hold you the candle, and I'll have the skulking fellow on the floor in a second."

"I'll do that job myself," answered Fagg, refusing to touch the proffered candle.

"Aye, and we shall carry him down stairs in his night dress, and place the speechless fellow once more in his vacant chair," observed Mr. Brief.

"You take his feet, Bluebag, and I'll take his head, and then we'll——"

Before mine host could finish the sentence, the sleeper awoke in consequence of the noise which prevailed in the room, and raising himself partially up in his bed, and looking wildly about him before he had come to his senses, as if the apprehension that he was surrounded by some desperate banditti had seized his mind, he shouted aloud in broken accents, "What, what, what's all this about?"

In that eye which now beheld them, and in that voice which now rang in their ears, they recognized Mr. Justice Allan Park! Every one hurried to the door, without waiting to stammer out a word of apology for the awkward mistake they had committed in entering his room instead of that of their "brother of the bar." The candle was extinguished in the rush to the door, which only served to confound and alarm his lordship as to the object of the extraordinary proceedings. Mine host, who was not so far "excited" by the Madeira

which he had drunk as to be insensible to the ugly and awkward predicament into which the whole party, but especially he, as the master of the house, had been brought,—lighted a candle, and going up stairs to Mr. Justice Park's room, explained the circumstances to his lordship, apologized for the unfortunate blunder, and begged his pardon. His lordship, after reproving him severely for the indulgences he allowed to others in his house, and exacting a promise from him that no such indulgences should ever be again repeated under his roof, said that he freely forgave him, and the gentlemen of the bar, for the foolish exhibition they had made of themselves. The *morale* of the story—if the word in the present case be not a misnomer, in so far as Mr. Justice Park is concerned—is this, that had he not, from his habits of decorum and regularity, so soon retired for the night, he would not have been treated this way. Hence, as I said in the outset, it sometimes happens, though very rarely indeed, that temperance is attended with disadvantages.—*Fay*.

Mr. BARON GRAHAM invariably exemplified his peculiar notions of politeness, even in the very act of sentencing poor creatures to death. His manners, on such occasions, would often have been laughable but for the deeply-affecting situation in which the unhappy prisoners stood. A very singular instance of the Baron's excessive and ill-timed politeness occurred, on one occasion, after the close of the trials at a country assize. Nine unhappy men were all appointed to receive sentence of death for burglary, highway robberies, and other offenses. It so happened, however, that in entering the names of the unfortunate parties after being convicted, on his own slip of paper, Baron Graham omitted one of them. The nine men were

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brought up to receive judgment, and the eight, whose names were on his paper, were severally sentenced to death. They then quitted the bar. The ninth stood in mute astonishment at the circumstance that no sentence was passed on him. The clerk of the court, perceiving the mistake, immediately called aloud to his lordship, just as he was opening the door, to leave the court, that he had omitted to pass sentence on one unfortunate man. Turning about, and casting a look of surprise at the unhappy prisoner, he hurried back to the seat he had just vacated, and taking a pinch of snuff—he was one of the most inveterate snuff-takers that ever lived—and putting on the black cap, he addressed the prisoner in the following strain, giving at the same time a profusion of bows:—"My good man, I really beg your pardon for the mistake: it was entirely a mistake—altogether a mistake, I assure you. The sentence of the court on you is, that you be taken to the place whence you came, thence to the place of execution, and there hanged by the neck until you are dead. And the Lord have mercy on your soul. I do beg your pardon: I'm very sorry for the mistake, I assure you." So saying, he made another low bow to the unhappy man, and then quitted the court.—*Grant.*





## CHAPTER V.

**M**R. SERGEANT VAUGHAN generally contrived to worm out, by a process imperceptible to the party himself, whatever he wished to learn regarding him. On the occasion to which I allude, Mr. Vaughan was not long in ascertaining from his companion that he also was going to the Chelmsford assizes, which were to be held on the following day. "As a juryman, no doubt?" said Mr. Vaughan, on learning the fact itself.

"No, sir, not as a juryman," said the other.

"O, as a witness, I should have said."

"Not as a witness either: I wish it were as pleasant as that."

"O, I see how it is, you are the prosecutor in some case which is painful to your feelings. However, such things will happen; there is no help for them."

"You are still wrong in your conjecture, Sir; I am going to pay away money for a relative who has a case at the assizes."

"Ah, that's it! Very unpleasant, certainly, to pay money," observed the learned Sergeant.

"It is, indeed, for those who have little to spare," observed the other.

"Well, but I hope it's not to any very serious amount."

"Why, the magnitude of the sum, you know, depends on the resources of the party who have to make the payment."

"Very true ; certainly, very true," said Mr. Sergeant Vaughan.

"The sum is five hundred pounds, which, to one with my limited means, is a very large sum indeed."

"O but, perhaps, you expect to be repaid it in some way or other again?"

"That is very uncertain ; it depends entirely on whether my relative, who has just taken a public house there, succeed in business or not."

"Well, it certainly is a hard case," observed Mr. Sergeant Vaughan, with a serious and emphatic air.

"Aye, you would say so, if you only knew it all."

"Indeed ! Are there any peculiar circumstances in the case?"

"There are indeed," answered the other, with something between a sigh and a groan.

"Is the matter a secret?" inquired Mr. Sergeant Vaughan, his curiosity being now wound up to no ordinary pitch.

"Not in the least," said the other. "I'll tell you the whole affair, if you don't think it tiresome," he added.

"I am all anxiety to hear it," said the learned gentleman.

"Well, then," said the other, "about six weeks since, a respectable corn dealer in London, when on his way to Chelmsford, met, on the coach, with two persons who were perfect strangers to him. The strangers soon entered into conversation with him, and having learned the object of his visit to Chelmsford, said that they also were going there on a precisely similar errand, namely, to make some purchases of corn. After some further conversation together, it was suggested by one of the parties that it would be much better for all three, if they could come to an understanding together, as to what amount of purchases they should make, and under what

particular circumstances those purchases should be made;—for if they went into the market ‘slap dash,’ and without any understanding together, the result would be that in so small a place as Chelmsford they would raise the prices; whereas, by operating slowly and in concert, that would be avoided. The second party pretended to approve highly of the suggestion, and further proposed, in order to show that neither had the start of each other, that they should all deposit the amount of money in the hands of the respectable landlord of the principal inn; taking care that they did so in the presence of witnesses, and that special instructions should be given to the landlord not to give up a farthing to either, until all three returned together to receive the whole; adding that if he did he would be held responsible. The London merchant, knowing the landlord of the inn to be a man of undoubted respectability, at once assented to the proposal, and each of the three parties accordingly placed in his hands, under the circumstances stated, two hundred and fifty pounds, making seven hundred and fifty pounds in all.”

“Well,” observed Mr. Sergeant Vaughan, “well, you certainly do interest me in your singular story. And what was the result?”

“Why this—that scarcely had the three parties left the inn a minute, when one of the strangers came running back, and said, that on second thoughts they had all come to the conclusion, that it would be better to make their purchases as early in the day as possible, and that consequently the other two had desired him to return and get the money.”

“And the landlord gave him the whole sum at once?” interposed Mr. Sergeant Vaughan.

“He did, indeed; unfortunately for himself and me,” answered the other.



"And what followed?" inquired the learned gentleman, eagerly.

"Why, the other stranger and the London merchant returned in about an hour after, and demanded their money."

"When the landlord, of course, told them he had given it to the other?"

"He did."

"On which, I suppose, they bring an action against the landlord?"

"Precisely so; and seeing that defense were useless, inasmuch as he delivered up the money to one when his instructions were peremptory not to deliver it till all three were present,—my friend is to allow the action to go undefended. The money must be paid to the sharper—for both strangers, as the event has proved, were sharpers—and also to the London merchant."

"And you really have made up your mind to pay it?"

"O certainly, because there is no help for it."

"I am a barrister; I am Mr. Sergeant Vaughan; and I will defend the case for the poor landlord gratuitously."

The other tendered him a thousand thanks for his intended kindness; but expressed the apprehensions that all efforts at defense would be perfectly useless.

"We shall see," said the Sergeant, significantly, "we shall see;—you and your friend the landlord will call on me this evening at eight o'clock, to arrange for the defense to-morrow."

To-morrow came, and the case was duly called in court. The poor innkeeper, acting on the advice of Mr. Vaughan, but not perceiving in what way he could be benefited by it, defended the case. Everything proceeded so favorably for the prosecution for some time, that though every person in court deeply sympathized with the unfortunate

landlord, they saw no possibility of any other result than a verdict against him. Mr. Sergeant Vaughan, when the case for the prosecution was closed, rose and said—  
“Now, gentlemen of the jury, you have heard the evidence adduced. You have seen it proved by unexceptionable witnesses, that the defendant received the most positive instructions from all three, not to deliver up the money, or any part of it, to either of the parties except in the presence of all. Gentlemen, my client has got the money in his possession, and is ready to give it when all the three parties come to demand it. Let the absent party be brought to his house, in company with the other two, and every one will have his money returned to him.”  
The defense was equally ingenious and complete. The jury looked as amazed at each other, as if some new world had burst on their astonished gaze; so did all the spectators in court. The verdict was of course for the defendant. It is unnecessary to add, that the party who had absconded with the money never returned, and that consequently the poor landlord had never to pay a farthing of the amount.



## CHAPTER VI.

THE Chief Justice WILLES, no other than the author of the admirable "Law Reports" which bear his name, was, nevertheless, a Judge of great humanity. It fell to his lot to try the colliers of Shropshire, for a serious riot, in a time of scarcity. Of thirty-seven, four died in prison, ten were convicted, but only two executed. The fate of the eight was nearly tragic. The Chief Justice had sent his report to the Attorney General, with an intimation that four should suffer death. This report was sent to the office of Mr. Pitt, Secretary of State, where it rested, not having been laid before the King. The day for executing all the ten arrived, but there was neither reprieve nor respite. Mr. Leeke, the Deputy Sheriff, was advised, upon this emergency, even by several gentlemen in the neighborhood, to leave all the prisoners to their fate. But he judged, and rightly, that the Judge could never have meant this, so that he boldly reprieved all but two, and sent off an express to London. The Lord Chief Justice was then a Commissioner of the Great Seal. He immediately wrote the following letter to Mr. Leeke. "Sir, till I saw your letter yesterday, I was under the greatest uneasiness, for I took it for granted that all the ten rioters had been executed on Saturday last, as that was the day appointed for their execution; and upon my return from the Home Circuit on Thursday last, I found, that by a shameful neglect in one of the Secretary of State's offices (I do not mean Lord Holderness's), no reprieve had been sent down, and, as it was then too late to send

one down, I saw no reason to hope that their execution would have been deferred to a longer time. But, though, to be sure, you have acted contrary to your duty, you have acted a wise, prudent, and most humane part, and you have not only my thanks, but the thanks of some of the greatest men of the kingdom, for the part you have acted on this occasion. I once more thank you for what you have done."

A remarkable incident is said to have occurred in the judicial life of his son, EDWARD WILLES. Lord Eldon has given us the curious incident. He "had many good qualities, but he was much too volatile and inattentive to reasonably grave behavior upon the Bench. He was, however, very anxious to do right. He condemned a boy, I think at Lancaster, and with the hope of reforming him by frightening him, he ordered him for execution next morning. The Judge awoke in the middle of the night, and was so affected by the notion that he might himself die in the course of the night, and the boy be hanged, though he did not mean that he should suffer, that he got out of his bed, and went to the lodgings of the High Sheriff, and left a reprieve for the boy, and then, returning to his bed, spent the rest of the night comfortably.

A learned Sergeant kept the Court waiting one morning for a few minutes. The business of the Court commenced at nine. "Brother," said the Judge, "you are behind your time this morning. The Court has been waiting for you." "I beg your Lordship's pardon," replied the Sergeant, "I am afraid I was longer than usual in dressing." "Oh!" returned the Judge, "I can dress in five minutes at any time." "Indeed," said the learned brother, a little surprised for the moment, "but

in that my dog Shock beats your Lordship hollow, for he has nothing to do but to shake his coat and think himself fit for any company."

Another story runs thus. There was a very worthy Sergeant, who, after a hard law campaign, was glad to escape from town, for a little ruralizing, and he went to visit a nobleman in the country. He strolled out for a little ramble, and was expected at dinner as usual. But it happened as the Sergeant was straying through the neighboring village, that he came across the stocks, and, being surprised with the novelty, examined them with much care and wonder. At last he thought he would slip his own feet in, in order to see how the gentry fared who got into such a scrape. Now, it is in the nature of these things to snap as soon as the victim is inclosed, so that escape can only be administered by a person outside, and the Sergeant was, consequently, caught.

Dinner was announced, but no Sergeant appeared. After some time, apprehensions were entertained for his safety. A hundred things were surmised. He might have tumbled down a pit in a fit of Coke upon Littleton, &c. Search was, at length, made, and the learned Segreant discovered in perfect safety, quietly seated in his own lair, though somewhat sore from the experiment. When at dinner, the Sergeant bore the joke with excellent humor. Only he said, there was a provoking carter on the road who treated him very queerly. "How was that?" said the host. "Why," said Mr. Sergeant—"I asked him to be kind enough to let me loose, but the rascal scratched his head, and with a most insolent grin, took me up with noa, noa, old chap! yer be'ant in there for nothing."—*Woolrych.*

Sergeant DAVY, with his humor, was quite a match

for the Chief Justice. Lord Mansfield, by no means profoundly skilled in the higher principles of law, broke out one day against the Sergeant (who probably was correct, and at all events knew well what he was contesting), with this gibe: "If this be law, sir, I must burn all my books, I see." "Your Lordship had better read them first," rejoined Davy.—*European Magazine*.

Davy, although of a very jolly character, does not appear to have been a fighting man. He gave great offense upon the Western Circuit to a gentleman whom he abused with the due license of an advocate. Not understanding the freemasonry of the Bar, this angry person sought both at Winchester, where the offense happened, and at Salisbury, to challenge him; but Scott relates, that the Sergeant evaded all his attempts. Upon which the challenger actually went to Dorchester, and "knocking at a very early hour at the door where the lawyer lodged, upon its being opened, he walked into the house, and walked from room to room, till he found himself in the room where the lawyer was in bed. He drew open the curtains, and said that the lawyer must well know what his errand was—that he came to demand satisfaction—that he too well knew that the person upon whom that demand was made was unwilling to comply with it, but that satisfaction he must and would have. The Sergeant began to apologize. The gentleman said, he was not to be appeased by apologies or words; his honor had been tarnished, and the satisfaction which a gentleman owed to a gentleman whom he had calumniated, he came to demand and insist upon: 'Well,' said the Sergeant; 'surely you don't mean to fall upon a naked man unarmed in bed?' 'Oh no, sir!' said the gentleman; 'You can't but know in what way this sort of business is conducted between gentleman and gentle-

man.' 'Very right, then,' says the Sergeant; 'if you give me your honor that you don't mean to fall upon me naked and unarmed in bed, I will give you mine that I will not get out of bed till you are gone out of town, and I am in no danger of seeing you again.'—*Twiss*.

Very different was Lord ELLENBOROUGH, when on the Northern Circuit. He had been very severe upon a rich man who had amassed a great fortune by pottery. This happened at Lancaster, and the advocate returned to London. Being at chambers, he received intelligence that the person he had lectured was coming to challenge him, upon which he instructed his clerk, that when the gentleman came, the clerk should stay in the room. He did come, and requested a private audience. "What you have to say, sir," said the counsel, "may be told before this gentleman." The man of pottery then stammered out his warlike message, but what was his surprise when Mr. Law, looking him fully in the face, thus coolly addressed him:—

"If it were not for the immense contempt I should incur, I certainly would have a shot at your crockery."

We must give Sergeant Davy the credit of standing well up for his professional gains, a great merit when there are so many attorneys from whom the just honorarium cannot, sometimes, be without difficulty acquired.


He once had a very large brief, with a fee of two guineas only at the back of it. His client asked him if he had read his brief. He pointed with his finger to the fee, and said, "as far as that I have read, and for the life of me, I can read no farther."

He was engaged at the Old Bailey, and a very strong case having been made out, Judge Gould asked, who was

concerned for the prisoner, upon which Davy said, "My lord, I am concerned for him, and *very much* concerned after what I have heard."—*Woolrych*.

He was almost too good humored to make a bitter joke. Yet he could not always refrain. We cannot applaud this practical jest. Some one said in Westminster Hall, that a solicitor on the Oxford Circuit had quitted business. So he beckoned to his brother Sergeant N., who was an Oxford Circuiteer, and on his coming up, said to him, "Brother, you are very uncivil not to notice this gentleman, an eminent solicitor upon your own Circuit." N., who as it was said, was all civility to such persons, made a thousand apologies for his apparent neglect, and engaged the solicitor to dine with him on the following day. The solicitor then leaving the two Sergeants, Davy said, "Brother N., this is a bite. The man has just told me he has entirely quitted business; so your dinner goes for nothing."—*Twiss*.

The following seems highly probable, for Davy undoubtedly was not too scrupulous. Scott tells us, that two Sergeants, Davy and Whitaker, agreed to buy two pipes of Madeira. This wine was to make the usual voyage to the West Indies, and be paid for upon their arrival in the Thames. Davy knew that this Madeira was remarkably fine, and knowing that his brother did not like to pay his money for nothing, as they were talking together in Westminster Hall, he said, "Brother Whitaker, how unfortunate we have been in not insuring these pipes of Madeira! The vessel on board of which they were is lost, and our Madeira is at the bottom of the sea, and now you and I have to pay our money for nothing." "*Our Madeira*," said Whittaker; "I don't know what you mean; I have nothing to do with any





Madeira." "What!" said Davy, "you surely don't mean to deny that we were to be joint purchasers of two pipes, which, for improvement, were to go to the East Indies and back, and now to get off paying your half of what we jointly purchased?" Whitaker positively denied that he had ever entered into any such joint engagement. "Well then," said Davy, "I am glad of it. It is the finest Madeira that ever came into the Thames. The ship and wine are safe, and the *wine is all my own.*" —*Woolrych.*

Among the traditions of Westminster Hall is one of a certain Sergeant Davy, who flourished some centuries back in a darker age than the present. He was accused, once upon a time, by his brethren of the Court, of having degraded their order by taking from a client a fee in copper, and on being solemnly arraigned for this offense in their Common Hall, it appears from the unwritten reports of the Court of Common Pleas, that he defended himself by the following plea of confession and avoidance: "I fully admit that I took a fee from him in copper, and not one, but several, and not only fees in copper, but fees in silver, but I pledge my honor as a Sergeant, that I never took a single fee from him in silver, until I had got all his gold, and that I never took a fee from him in copper, until I had got all his silver, and you don't call *that* a degradation of our order."—*Grant.*

It was customary in the last century for bail to be required from debtors more frequently than at present. It was assumed that scarcely any man was solvent until the contrary appeared. A gentleman appeared in the Court of King's Bench, to be responsible for the appearance of the debtor in the sum of three thousand pounds.

It fell to Davy's lot to search out the truth of this, so





LORD ELDON.



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he thought it a fitting occasion for the display of his bullying pleasantry. "Sir," said the Sergeant sternly to the bail: "And pray, sir, how do you make out that you are worth three thousand pounds?" The gentleman stated the particulars of his property up to two thousand nine hundred and forty pounds. "That's all very good," said the Sergeant, "but you want sixty pounds more to be worth three thousand pounds." "For that sum," replied the gentleman, by no means disconcerted, "I have the note of hand of one Mr. Sergeant Davy, and I hope he will have the honesty soon to settle it." The laughter that this reply excited extended even to the Bench; the Sergeant looked abashed, and Lord Mansfield observed, in his usual urbane tone, "Well, Brother Davy, I *think* we may accept the bail."—*Law and Lawyers.*

Scott [Lord Eldon] kept an anecdote-book. The following story of HILL appears:—"After Sergeant Hill ceased to attend the Courts of Justice as a pleading barrister, he answered cases, and many were laid before him for his opinion. His habit was to write his opinion, and illustrate it, by mentioning all the cases upon which it was founded, with a great deal of reasoning upon each case. With such a fund of information, others as well as myself, who attended in Courts, frequently were enabled to argue cases ably and powerfully; the merit, however, being the Sergeant's. Upon thus being consulted, he looked for what he certainly ought to have had—a good fee. A case being laid before him with a fee of one guinea, the opinion he wrote, which I saw, as, I think, in these words (keeping the guinea): 'I don't answer such a case as this for one guinea. Geo. Hill, Lin. Inn.' Adding year and day."

Scott was now Attorney General, and he says,—“ The Sergeant always conversed with me very freely. I met him upon our staircase after the long vacation, and he addressed me thus: ‘ My dear friend, you will be shocked to hear what a loss I have sustained since I saw you,’ I expressed great concern that anything should have happened which he had so much cause to lament. ‘ Oh!’ he said, ‘ he never had so much cause for grief, or suffered such a calamity.’ Before I could express another word, he said: ‘ I have lost poor dear Mrs. Hill.’ And then, pausing for some time, during which I felt greatly and painfully on his account, he at last broke silence, saying: ‘ I don’t know, though, that the loss *was* so great, for she had all her property, Mr. Attorney, to her separate use.’ ”

The “ Anecdote ” book furnishes the following sketch: “ Very shortly after I had entered Westminster Hall (Scott loquitur) as a student, Sergeant Hill, who was a most learned lawyer, but a very singular man, stopped me in the Hall, and said: ‘ Pray, young gentleman, do you think herbage and pannage ratable to the Poor’s Rate?’ I answered, sir, I cannot presume to give any opinion, inexperienced and unlearned as I am, to a person of your great knowledge and high character in the profession. ‘ Upon my word!’ said the Sergeant, ‘ you are a pretty sensible young gentleman; I don’t often meet with such. If I had asked Mr. Burgess, a young man upon our circuit, he would have told me that I was an old fool. You are an extraordinary, sensible young gentleman.’ ”

Another story, told of him by Lord Campbell, runs: “ There was a trial in ejectment, and a deed was offered in evidence, which seemed to be an *indenture*. Parch-

ments of this nature usually appear indented, zig-zag. But this deed was cut through straight. The Sergeant was alive this time. This was not an *indenture*, and, therefore, could not be received. The following is a specimen of his recondite argument:—"There must be two parties to an indenture, therefore there are two parts of it; one to be executed by each party; the counterparts must be written on the same piece of parchment, and then cut in a waving line, so that, as a guard against forgery, they may fit in when applied to each other. The instrument is thus called an *indenture*, because it is *instar dentium*." Lord Mansfield: "Brother Hill, hand me up the deed." The noble Chief Justice applied it to his right eye, and closed the left. Looking some time along its edge, he pronounced judgment. "I am of opinion that this is not a straight mathematical line, therefore it is *instar dentium*, and comes within your own definition of an *indenture*. Let it be read in evidence."—*Campbell*.

Mr. Scott inserted the following story in his "Anecdote-book:"—"Mr. Sergeant Hill began an argument in the King's Bench, in my hearing, thus: 'My Lord Mansfield and Judges, I beg your pardon.' 'Why, Brother Hill, do you ask our pardon?' 'My Lords,' said he, 'I have seventy-eight cases to cite.' 'Seventy-eight cases,' said Lord Mansfield, 'to *cite!* You can never have our pardon if you cite seventy-eight cases.'

"After the Court had given its decision upon the case (which was against the Sergeant's client), Lord Mansfield said, 'Now, Brother Hill, that the judgment is given, you can have no objection on account of your client to tell us your real opinion, and whether you don't think we are right. You know how much we all value your opinion and judgment.' The Sergeant said, 'he very



much wished to be excused ; but he always thought it his duty to do what the Court desired ;' and ' upon my word,' said he, ' I did not think there were four men in the world who could have given such an ill-founded opinion as you four, my Lords Judges, have pronounced.' "—*Woolrych.*

Sergeant PELL was once applied to by a servant of his brother, to know how she could recover a sum of £60, which she had lent to her brother-in-law, but who positively denied the loan.

The Sergeant said he scarcely knew how to advise her, but, at last, he recommended her to go to a professional man, and to urge her debtor through him to go before a magistrate, and swear to the fact of his owing her nothing. Voluntary oaths had not then been abolished. This was done. The man was requested to go before the justice, and in default of his being unwilling to do so, was told that proceedings would be taken against him. The parties went before the magistrate, the woman, her brother, and her brother-in-law. Now the justice was a man of some sagacity, and, finding that he was to administer a voluntary oath, determined to sift the matter. The debtor said, that he would instantly swear to the effect proposed, and asked for the book. " No, no, my friend," said the magistrate: " You shall not swear in that light manner. You must now repeat after me the words which I shall dictate to you." The justice then began in a very solemn tone. " I, ——, do solemnly swear." This the man gulped down very well. " In the presence of Almighty God." Then, without repeating a syllable more, the knave fell upon the floor. " Thee art a villain, and has stolen my sister's money," said her own brother on the instant.

The magistrate took the matter up, and the man gave

his promissory note for the money before he quitted the office.—*Woolrych.*

Sergeant COCKELL was a very humorous Sergeant, and, in his day, leader of the Northern Circuit. He lived when late evening consultations were common, and sobriety, by no means, a sure attendant upon them. Upon one occasion, on the circuit, a worthy farmer contrived to get an introduction (like Pickwick to Sergeant Snubbin) to the great man. Sergeant Cockell had been indulging in joviality, and the farmer began a lengthy tale in the vernacular. There was a pause, and the Sergeant, rolling in his chair, exclaimed "I'll—win—your—cause." This ought to have contented the farmer; but he went on with a second tedious tale of his wrongs. The Sergeant became impatient, and interrupted him this time with another. "I'll—win your cause." The stupid man would not stop, upon which the Sergeant, highly ebrius, broke out, and said, "Didn't I tell ye I'd win—your—cause? If you don't get out instantly, I'll kick you out of the room!"—MS.

The circumstances which induced Sergeant PRIME to withdraw from the profession have been thus related by Lord Chancellor Thurlow. "I drove Sergeant Prime from the bar, without intending it. I happened to be walking up and down Westminster Hall with him while Dr. Florence Henzey was on his trial in the King's Bench for high treason. Sergeant Prime was at that time the king's prime sergeant; and, as such, had precedence over all lawyers in the king's service. But the ministers of that day, wishing to pay court to Sir Fletcher Norton, though he had at that time no other rank than king's counsel, they, therefore, intrusted the trial to him. I happened to make this remark to Ser-

geant Prime—"It is a little singular, sir, that I should be walking up and down Westminster Hall with the king's prime serjeant while a trial at bar for high treason is going on in that court:" the expression struck him: he felt the affront put on him: he went the next morning, resigned his office, and retired from the profession." The following circumstance, it is believed, happened to the learned serjeant. He had a remarkably long nose, and being one day out riding, was flung from his horse, and fell upon his face, in the middle of the road. A countryman, who saw the occurrence, ran hastily up, raised the serjeant from the dirt, and asked him whether he was much hurt. The serjeant replied in the negative. "I zee, zur," said the rustic, grinning, "yer *ploughshare* saved ye!"

Sergeant WHITAKER was one of the most eminent lawyers of his day. Few memorials of him have been preserved, and these are of a character which serve rather to exhibit him in the light of a humorous than of a learned man, which he undoubtedly was. One day, on a journey to Oxford, in company with Mr. Murphy, his carriage was stopped in the lane of a country village by a wagon delivering fat and offal to a tallow chandler. While he fretted at this delay, a horseman came up to the side of the chaise, who was most remarkable for his thinness, and began teasing the serjeant with an account of the number of miles he had ridden that day, and the still greater number he had to go before night. Whitaker heard him for some time with a subdued temper: at last, breaking out, he exclaimed, "And what mighty matter is all this, sir, considering that you have sent your *insides* before you, and have now nothing to carry but the *case*?" Two ladies, of rank and fashion, were once praising Mr. Sergeant Walker's dancing.

Whitaker who knew that his brother-in-law was remarkable for anything except grace, insisted that their ladyships were mistaken as to the individual. When they declared that they were not, he begged leave to put one question to them—"Pray, ladies, was it upon his hind legs or his fore legs that Sergeant Walker moved so gracefully?"

During an examination which he conducted at the bar of the House of Lords, he put a question to the witness, as to the legality of which some objection was taken. Counsel were ordered to withdraw, and a debate of two hours ensued respecting the propriety of the question; but nothing was resolved on. When he was re-admitted, Whitaker was desired to put the question over again; but he merely replied,—“Upon my word, my lords, it is so long since I first put the question, that I entirely forget it; but, with your leave, I'll now put another.”

Being on the Norfolk circuit, a friend at one of the assize towns offered him a bed. The next morning the lady of the house asked him how he had slept; and hoped that “he had found himself comfortable and warm.” “Yes, madam,” replied the sergeant; “yes, pretty well on the whole. At first, to be sure, I felt a little queer for want of Mrs. Whittaker; but, recollecting that my portmanteau lay in the room, I threw it behind my back, and it did every bit as well!”—*Polson.*

## CHAPTER VII.

IN arguing some case before Mr. Justice Robinson, celebrated for his talents as a political pamphleteer and his attachment to despotic principles, CURRAN observed that he had never met with the law as laid down by his lordship in any book in *his* library. "That may be, sir," said the Judge contemptuously; "but I suspect that your library is very small." The young barrister indignantly replied, "Yes, my lord, my library may be small, but I thank God you will find in no part of it the wretched productions of the frantic pamphlet-writers of the day. I find it more instructive," he added, "to study good books than to compose bad ones. My books may be few, but the title-pages give me the writers' names: my shelf is not disgraced by any such rank absurdity that their very authors are ashamed to own them." "Sir," exclaimed the Judge in a furious tone, "you are forgetting the respect that you owe to the dignity of the judicial character." "Dignity, my lord!" replied Curran; "upon that point I shall cite you a case from a book of some authority, with which you are perhaps not unacquainted. A poor Scotchman, upon his arrival in London, thinking himself insulted by a stranger, and imagining that he was the stronger man, resolved to resent the affront, and taking off his coat, delivered it to a bystander to hold; but having lost the battle, he turned to resume his garment, when he discovered that he had unfortunately lost that also—that the trustee of his habiliments had decamped during the affray. So, my lord, when the person who is invested with the dignity of the judgment-seat lays it aside for a moment to enter into a disgraceful personal

contest, it is vain, when he has been worsted in the encounter, that he seeks to resume it—it is vain that he endeavors to shelter himself behind an authority which he has abandoned." The Judge cried out, "If you say another word, sir, I'll commit you." "Then, my lord, it will be the best thing you'll have committed this year." The Judge did not keep his threat. He applied, however, to his brethren to unfrock the daring advocate; but they refused to interfere, and so the matter ended.

Curran's course of study and manner of awaking himself in London he thus describes: "I have made some additions to my wardrobe, and purchased a fiddle, which I had till then denied myself. Do not think, however, from my mentioning these indulgences, that I have diminished my hours of reading. All I have done by the change is employing the time that must be otherwise vacant, in amusement instead of solitude. I still continue to read ten hours every day, seven at law, and three at history and the general of politics; and that I may have time enough, I rise at half-past four. I have contrived a machine after the manner of an hour-glass, about which perhaps you may be curious, which wakens me regularly at that hour. Exactly over my head I have suspended two vessels of tin, one above the other. When I go to bed, which is always at ten, I pour a bottle of water into the upper vessel, in the bottom of which is a hole of such a size as to let the water pass through so as to make the inferior reservoir overflow in six hours and a half. I have had no small trouble in proportioning these vessels; and I was still more puzzled, for a while, how to confine my head so as to receive the drop; but I have at length succeeded."

It has been related of Mr. MARRYATT, the eminent King's Counsel, that some time after he had retired from practice, being present at a conversation in which some one remarked on "the glorious uncertainty of the law," he observed with great animation, "If any man were to claim the coat on my back, and threaten my refusal with a law-suit, he should certainly have it, lest in defending my coat I should find that I was deprived of my waistcoat also." Dunning is known to have dreaded, above all things, becoming involved in litigation. One day, on returning to his house near town, he was met in the front garden by the gardener, full of complaints of some audacious fellow whom he had found trespassing in one of the neighboring fields. "Well, and what did you say to him?" inquired Dunning. "O, sir, I told him if I found him there again you would be sure to prosecute him." "You may prosecute him yourself, John, if you like; but I tell you what, he may walk about my fields till he is tired before I will prosecute him."

The late Mr. Sergeant HULLOCK I knew well. He was the most manly fellow I ever met with, and had the manliness not to migrate from Gray's Inn to the Temple, but kept his offices there until he was raised to the Exchequer. He was once concerned in a cause of great importance, and was instructed not to produce a certain deed unless it was absolutely necessary. Either from forgetfulness, or from a desire to terminate the matter at once, Hullock early in the cause produced the deed, which, upon examination, appeared to have been forged by the client's attorney. Mr. Justice Bayley, who was trying the cause, desired the deed to be impounded, in order that it might become the subject of a prosecution. Before this could be done, Mr. Hullock

said he wished to inspect it; and on its being handed to him, returned it to his bag. The Judge remonstrated, but in vain. "No earthly power," said Mr. Hullock, "shall induce me to surrender it. I have incautiously put a man's life in peril; and though I have acted to the best of my discretion, I should never be happy again should a fatal end ensue." The Judge still continued to remonstrate, but declined to act until he had consulted the other Judge. The consultation came too late; the deed was in the mean time destroyed, and the rascally attorney escaped. Too much praise, however, cannot be given to the honest and intrepid advocate. I should like to see a counsel that would behave so now.—*Fay*.

Sergeant PRIME was a good natured but rather dull man, and, as an advocate, wearisome beyond comparison. He was retained on one occasion to argue an ejectment case on circuit. The day was intensely hot, and, as the case excited great interest, the court was crammed full. Prime made a three hours' speech, whose soporific influence, aided by the atmosphere of the court, was most potent. A boy, who was anxious to see all that was to be seen, early in the proceedings managed to clamber up to the roof of the court, and seated himself on a transverse beam over the heads of the spectators. The heat and the sergeant's dullness soon overcame him. He fell fast asleep, and, losing his balance, came tumbling down among the people below. He fortunately escaped with only a few bruises; but several persons in the court were severely hurt. For this offense the sergeant was tried at the circuit-table, found guilty, and sentenced to pay three dozen of wine towards the mess, which he did with the greatest possible good humor.



A counsel once getting up to reply to one of his lengthy orations, which had made the jury very drowsy, began, "Gentlemen, after the long speech of the learned sergeant"—"Sir, I beg your pardon," interrupted Mr. Justice Nares; "you might say, after the long soliloquy; for my brother Prime has been talking an hour to himself!"

I was in the court on one of the hottest days I ever recollect; so great was the heat that nobody remained in court except those whose business compelled them to do so. A poacher was on his trial, and Mr. Justice Williams, of the Queen's Bench, was the Judge; the counsel for the prisoner was the late Mr. PRENDERGAST, Q. C. It was a very interesting case, and the witnesses to character for the accused were exceedingly numerous. The counsel, after calling about fifty, could stand it no longer, through the heat and fatigue, and thus addressed his lordship: "My lord, is it necessary to call any more witnesses?" The Judge, who was evidently angry at the time that had been taken up, and who also severely felt the heat of the court, screamed out in reply: "Why not? You are in good health, and so am I. Go on." And the result was that Mr. Prendergast called every witness to character, much to the annoyance of the Judge and the amusement of the court.—*Jay*.

A young man, a scion of a respectable family, came up to London to prepare himself for the Bar. His means were small, but his wants were limited; and well aware that, if Fortune does not always favor the deserving, she has for the ignorant and dissolute no honors or rewards, he applied himself with zeal and industry to the study of his profession. Nature had blessed him with an acute mind; his perseverance was

untiring ; and he could boast that pleasure never allured him from the paths of duty. He was in due time admitted to the honors of the wig and gown, and took his seat on the back benches in the Court of King's Bench. His prospects were at first promising ; his family connections, the reputation he had acquired for attention and industry during his pupillage, obtained for him earlier than usual a small practice, and what leads to its increase, a good name. Elated by the prospects which appeared opening before him, he married ; and he was yet in the prime of life when he was the father of a large family. Unhappily his business did not increase in the same ratio with his necessities, and he soon felt all the difficulties which attend on small supplies and large demands. His physical strength began to fail him ; and all the more when he saw his admirable wife, whom he loved with all the ardor of a first affection, devoting herself to the most menial tasks, discharging the humblest offices for him and their children. On her fragile frame care and sorrow made rapid inroads. An attack of illness, aggravated by pecuniary distress, threatened her life ; and ultimately she died, falling a victim to her anxiety for her husband and family. Heartbroken, the young lawyer still struggled on for the sake of his children. A few months after the partner of his cares was consigned to the grave he succeeded in some important cause accidentally intrusted to him ; business poured in on him ; and in a very short time he found himself one of the leaders of the Bar. When a friend congratulated him on his sudden promotion, he exclaimed : " Had it but come a few months sooner ! " This is a true story, as many can vouch ; the subject of it now occupies a high place amongst our legal functionaries.




FLETCHER NORTON toiled through the routine of circuits and Westminster Hall for many years without a brief. Mr. Bearcroft, one of the most eminent barristers of the last century, and who died Chief Justice of Chester, underwent the severest difficulties in his passage to wealth and fame. His industry and perseverance were indomitable. For many years his practice was so limited as hardly to enable him to subsist even with the strictest economy. He sometimes, however, thought of relinquishing the law as a profession; but a just estimate of his own acquirements induced him to continue; and he at last made himself known, and obtained an immense practice and a high reputation. It was a long time before the eminent merits of Mr. Alroyd, afterwards a puisne Judge in the King's Bench, became recognized. Lord Kenyon spoke of him, when in his forty-seventh year, as a rising young man. Sir William Grant traveled many a circuit before he obtained a single brief; and at last owed to the friendship of a minister what he was entitled to expect from his own merits.

SELDEN was in the habit of seeking recreation at the theater. Lord Stowell, too, was fond of dramatic entertainments; he was to the last a regular attendant at the Christmas pantomines, and avowed a strong predilection for the interesting performances of the itinerant comedians Punch and Judy. Lady Stowell, we have heard, did not share her husband's taste; she had a particular *penchant* for attending executions, or, as a friend has observed, her ladyship was fond of a *drop*.

A well-known theatrical lessee was some years ago in overwhelming difficulties. One of his judgment creditors insisted upon, and actually sent his attorney for the purpose of, taking the money at the doors of the

theater ; or if that were not permitted, then execution was to be levied upon the stage properties. To prevent that exposure and inconvenience, the lessee offered to give a warrant-of-attorney to the plaintiff, and to execute it immediately after the performance. On that understanding the lawyer withdrew, and at the close of the performance again appeared with the legal document. Though under extreme pressure, and suffering acutely from the rapacity of creditors and hungry attorneys, the lessee-actor himself was an honorable man, and duly appreciated the courtesy of the attorney in not insisting upon taking the money at the doors, but accepting instead the warrant-of-attorney at a short date. When the solemn document had been duly sealed and signed, the actor chatted freely about his difficulties, and the oppression he had suffered at the hands of certain sharp legal practitioners, particularly naming one who then resided not fifty miles from Quality-court, Chancery-lane. "That fellow," said he, "has persecuted me to death for discount and costs. I have paid him no end of money; and yet a few weeks ago the hungry devil put an execution in here, and almost ruined me. Now, would you believe it? notwithstanding that villainous act, the fellow had the impudence to appear the other night in the front row of my dress-circle, dressed to death, and as large as life. There he sat, in the very center of the house. I twiggged him, and read him a lesson he will never forget. I was playing that evening, you must know, the character of King Adrastus. An embassy from a neighboring state were introduced as I was sitting upon the throne. They presented me a missive from their sovereign. As I took it from them, I fixed my eyes upon the Jew attorney, and then rushed from the throne to the footlights. I hastily unfurled the roll. 'What!' I said, 'this a despatch



from your sovereign master? Why, it's a letter from that fellow J——, of Quality-court!' And crumpling and crunching up the document, I threw it with a contemptuous sneer into the pit. The incident instantly aroused the sympathies of the house, who caught the allusion, and interpreted it truly. Every eye was fixed on the attorney, and amid roars of laughter and a great deal of jeering, he hastily retired from the theater. Never," said the actor, his eyes sparkling with joy,— 'never will that fellow venture into this house again.'

He never did. A few weeks afterwards he ceased to live, and one of the Jewish burial-grounds of London now holds his remains.—*The Law, &c.*

Mr. (afterwards Sir) R. DALLAS, who was junior counsel for Warren Hastings, is reported to have said in one of his speeches: "Now we are advancing from the starlight of circumstantial evidence to the daylight of discovery; the sun of certainty has melted the darkness, and we have arrived at the facts admitted by both parties."

"When I cannot talk sense, I talk metaphor," said Curran, very shrewdly.

An old lawyer rented a grange, said to be haunted, at a great rent, payable half yearly. Being asked how he dared live in that place, and whether he never saw any demons: "No," said he; "there be two saints in heaven trouble me more than all the devils in hell,—namely, St. Mary and St. Michael, which be my rent-days."

Mr. Sergeant TADDY was examining a witness, and asked him a question respecting some event that had happened after the plaintiff had disappeared from the neighborhood. The late Mr. Justice Parke interposing,

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CHICAGO, ILLINOIS

1964

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observed ; " That's a very improper question, and ought not to have been asked." " That is an imputation," replied the Sergeant, " to which I will not submit. I am incapable of putting an improper question to a witness." " What imputation, sir?" inquired the Judge, angrily. " I desire that you will not charge me with casting imputations. I say that the question was not properly put ; for the expression ' disappear' means to leave clandestinely." " I say," retorted Sergeant Taddy, " that it means no such thing." " I hope," rejoined the Judge, " that I have some understanding left ; and as far as that goes the word certainly bears that interpretation, and therefore was improper." " I will never submit to a rebuke of this kind." " That is a very improper manner for a counsel to address the Court in." " And that is a very improper manner for a Judge to address a counsel in." The Judge rose, and said with great warmth, " I protest, sir, you will compel me to do what is disagreeable to me." " Do what you like, my lord." " Well," said Mr. Justice Parke, resuming his seat, " I hope I shall manifest the indulgence of a Christian Judge." " You may exercise your indulgence or your power in any way your lordship's discretion may suggest ; it is a matter of perfect indifference to me." " I have the functions of a Judge to discharge, and in doing so I must not be reprov'd in this sort of way." " And I," replied the undaunted Sergeant, " have a duty to discharge as counsel, which I shall discharge as I think proper, without submitting to a rebuke from any quarter." Anxious to terminate this dispute, in which the dignity of the Court was compromised, Mr. Sergeant Lens rose to interfere. " No, brother Lens," exclaimed Mr. Sergeant Taddy ; " I must protest against any interference." Sergeant Lens, however, was not to be deterred from effecting his intention, and addressing the Bench, said : " My

brother Taddy, my lord, has been betrayed into some warmth." Here he was stopped by Sergeant Taddy seizing him, and pulling him back into his place. "I again," he exclaimed, "protest against any interference on my account. I am quite prepared to answer for my my own conduct." "My brother Lens, sir," said Judge Parke, "has a right to be heard." "Not on my account; I am fully capable of answering for myself." "Has he not a right to possess the Court on any subject he pleases?" "Not while I am in possession of it," retorted the undaunted advocate, "and am examining a witness." Mr. Justice Parke then, seeing evidently that the altercation could not be advisedly prolonged, threw himself back into his chair, and was silent.—*Wooltrych.*

Sir GILES ROOKE had once to preside at the trial of a young woman who was charged with having stolen a saw valued at ten-pence from an old-iron shop. The evidence was clear against her; but it was proved that she had committed the offense from the pressure of extreme want. The jury felt the hardship of the case, and the cruelty of punishing with severity an offense committed under such circumstances; and, despite the clearness of the evidence, consulted for some little time in doubt together. At length, however, they agreed; and the foreman, rising, with evident agitation, delivered the verdict—"Guilty." Upon this Judge Rooke addressed them in the following terms: "Gentlemen of the jury, the verdict which you have given is a very proper verdict; under the circumstances of the case you could have given no other. I perceive the reluctance with which you have given it. The Court, sympathising with you in the unhappy condition of the prisoner, will inflict the slightest punishment the law will allow. The sentence is, that the prisoner be fined one shilling, and

be discharged ; and if she has not one in her possession, I will give her one for the purpose." The audience, jury, and counsel showed how deeply they were moved by the language of the venerable judge.—*Polson*.

I recollect the late Lord Chief Justice ABBOTT being much pleased with the following scene that took place in court. An important action was being tried respecting a large estate in Kent, and it was that description of trial in which one party seeks to turn out the lawful owner. A fine-looking witness in a smock-frock was called ; he soon, in the course of his evidence, let the court know that he had a large family, and that three of his sons had been killed at Waterloo. His testimony was most important ; and Mr. Alderson (afterwards Baron Alderson), who had received a special brief from the attorney to protect him during his cross-examination, at the early part of the trial started up and said he was instructed to protect him in giving his evidence. The witness turned suddenly round, and looking at Mr. Alderson, said, "I do not want any protection. I have been taught and told that the Lord Chief Justice of England protects all his majesty's subjects." The judge was greatly pleased with the remark of the witness to Mr. Alderson, and I saw his lordship cast frequent looks at him after he left the witness-box.—*Jay*.

Although EDWIN JAMES was so clever as a cross-examiner, he often met a witness who was his match. On one occasion I was in a committee-room of the House of Commons at Westminster, when the Roman Catholic Archbishop of Armagh was to be cross-examined by Edwin James ; the fact was known in Westminster Hall, and the committee-room was crammed with barristers to hear it. The archbishop entered the

committee-room at eleven o'clock, and immediately the committee of the House of Commons ordered a chair to be placed for his lordship. When the time arrived James got up in his usual manner, and addressed the witness as Dr. Cullen, who replied, "I am Archbishop of Armagh, whether you choose to call me so or not."

The petition was for the purpose of unseating the sitting member, who had been supported by the archbishop. It had been a most murderous election; several men were killed: and it was of great importance to James to ascertain the exact date when the archbishop addressed the electors in their committee-room. The first question he put to him was, "Were you not in the committee-room on the 6th of May?"—which was very important. The archbishop replied that he was not quite certain whether he could give the date, but said, "I think it was four days after I wrote my pastoral letter." (A laugh by the committee.) James asked him another question, in which also the date was very important. The archbishop replied, "I am not certain that I can give you the date, but I think it was the same day as that on which I issued my pastoral letter." James, in despair, asked another question, also important as to date; when his lordship answered, amidst roars of laughter, "I think it was the very day, I am not quite certain, that I saw a printed copy of my pastoral letter;" and seeing the committee smiling, said, in a loud voice, "Has any gentleman in this committee-room got my pastoral letter? then I can answer Mr. James's question." James, seeing the committee and the barristers all highly amused, sat down in disgust, and said in an under-tone to those who were near him, "D—n the pastoral letter!" So the archbishop got the best of the great cross-examiner James.—*Fay.*

I remember a celebrated advocate whom I knew very well (he was originally at the common-law Bar, but died a Q.C. of the Court of Chancery), who was unfortunately notorious for misquoting law and cases; sometimes, no doubt, from excessive eagerness to win, and sometimes from forgetfulness. He once stated to the Court that in a case which he mentioned the law had been decided in a certain way. "I remember that case," said his opponent; "but my learned friend has forgotten to inform the Court that the case was appealed to the House of Lords, when the decision was reversed." Stung unwittingly into truth, the first advocate blurted out to those around him, "What a liar that man is! There never was such a case." So that they were both lying.—*Fay*.

I recollect Sergeant MANNING, who was a very nervous man, arguing a case before the Judges of the Common Pleas. He had a large number of books before him, almost sufficient to constitute a library. Whilst he was reading the report of one of the cases, a number of the books tumbled off the table in front of him. He said, "My lords, it is reported in two other books in the exact words." Mr. Justice Maule said, "Are you sure it is exactly the same?" "Certain, my lords." Maule replied, "Why hunt for the other books? Read the same case again out of the one you have in your hand." Everybody in court laughed at this remark of the Judge. The books were found, and Manning left the court.—*Fay*.

The Judges' Chambers are a disgrace to the law. I recollect very well when Mr. Justice WILLIAMS, of the King's Bench, was made a Judge, he attended at chambers before he went to Westminster; and he dined the

same day at Sergeants' Inn with the other Judges. A sergeant told me he overheard the following conversation. On being asked how he got on at chambers, he said, "I went in good time, before the return of the summonses, and sat at an old table covered with green cloth, with some old law books on the practice of the Court on one side of it. The noise was terrific. I thought every moment the door would be broken open. The first summons on the list was attended by three little boys—one white-headed, one black-headed, and one carrot-headed; it was a summons for time to plead. The white-headed boy said, 'I want a week's time to plead'—producing the summons before me. I said, 'Why not?' The black-headed boy replied, 'This is a peremptory summons, and you have no power to grant the time.' And while I was indorsing the order on the summons he said, 'My lord, I shall move the Court against you to-morrow.' The red-headed boy said, 'My lord, I did the same thing a few days ago, and succeeded in upsetting the order.'"—*Jay*.

Lord Chief Justice HOLT, who had been very wild in his youth, was once out with some of his rakish companions on a journey into the country. They had spent all their money, and after consultation what to do, it was resolved that they should part company and try their fortunes separately. Holt got to an inn at the end of a straggling village, and, putting a good face on the matter, ordered his horse to be well taken care of, called for a room, bespoke supper, and looked after his bed. He then strolled into the kitchen, where he saw a girl about thirteen years of age shivering with an ague. He inquired of his landlady, a widow, who the girl was, and how long she had been ill. The good woman told him she was her daughter, an only child; and that she had

been ill near a year, notwithstanding all the assistance she could procure from physic, at an expense which had almost ruined her. Holt shook his head at mention of the doctors, and bade the parent to be under no farther concern, for that her daughter should never have an other fit. He then wrote a few unintelligible words, in the court-hand, on a scrap of parchment which had been used as the direction to a transfer, and rolling it up, ordered it to be bound on the girl's wrist, and remain there until she was quite recovered. The ague, however, returned no more; and Holt, after having continued there a week, called for his bill with as much courage as if his pockets had been filled with gold. "O, God bless you," said the old woman, "you are nothing in my debt: I am sure I wish I was able to pay you for the cure you have performed on my daughter; and if I had had the happiness to have seen you ten months ago, it would have kept forty pounds in my pocket." Holt, after some altercation, accepted his week's accommodation as a gratuity, and rode away.

Many years afterwards, when he had become one of the Judges of the King's Bench, he went on a circuit into the same country; and among other criminals whom he was about to try, there was an old woman charged with witchcraft. To support the charge several witnesses swore that she had a spell, with which she could either cure such cattle as were sick, or destroy those that were in health; in the use of the spell they said she had been lately detected, which, having been found upon her, was ready to be produced in court. The Judge then desired it might be handed to him. It appeared to be a dirty bundle of rags bound round with a piece of tape. These coverings he removed one after another with great deliberation, and at last came to a piece of parchment, which he immediately perceived to be the identical strip



he had once used as an expedient to supply his want of money. At the recollection of this incident he changed color, and was silent for some time. At length, however, recovering himself, he addressed the jury in the following manner:

“Gentlemen,—I must now relate a circumstance in my life which very ill suits my present character and the station I now fill. But to conceal it would be to aggravate the folly for which I ought to atone, to endanger innocence, and to countenance superstition. This bauble, which you suppose to have the power of life and death, is a senseless scrawl which I wrote with my own hand and gave to this woman, whom for no other cause they accuse as guilty of witchcraft.” He then related the particular circumstances of the transaction; which had such an effect on the minds of the accusers that they blushed at the folly and cruelty of their zeal; and Judge Holt’s quondam hostess was the last person ever tried for witchcraft in that part of the country.

## CHAPTER VIII.

**I**N the twelfth part of *Coke's Reports* (which was not published until after the author's death), there are some remarks, under the title of "Exactions of Benevolence," which prove how much the writer was opposed to this illegal mode of levying taxes. He cites from Holinshed and Stow, an instance of an attempt made by Edward IV., to raise money in this manner:

"The success and event of which was, that whereas the King called this a benevolence to please the people, yet many of the people did much grudge at it, and call it a malevolence."

In one case, indeed, he succeeded better.

"The King called before him at several times, a great number of the wealthiest of his subjects, to declare to them his necessity, and his purpose to levy war for the honor and safety of his kingdom, and demanded of each of them a certain levy of money; and the King treated them with such great grace and clemency, and with such gentle prayer, to assist him in his necessity, for the honor of the realm, that they very freely yielded to his request, for the honor and safety of the realm. Among the rest there was a widow of a very good estate, of whom the King merely asked, what she would willingly give him, for the maintainance of his wars? 'By my faith,' quoth she, 'for your lovely countenance sake, you shall have twenty pounds,' which was more than the King expected. The King thanked her, and vouch-

safed to kiss her ; upon which she presently swore, he should have twenty pounds more." (*12 Report*, 119.)

The practice of referring all law books to the chancellor and judges for license was a consequence of the Licensing Acts ; but continued to exist long after those acts had expired, in the reign of William III.

In James II.'s time, an order was issued to the Stationers' Company, "That all books of and concerning the common laws of the realm are to be licensed by the Lord Chancellor, the Lord Keeper of the Great Seal of England, the Lords Chief Justices, Chief Baron, or one or more of them, or by their or one or more of their appointments." Even at the time when the illegal patent for the printing of all law books was in existence, the patentees could not print law books without the judges' license. (*Cart. Rep.* 89.) The disadvantages of this law-patent are pointed out by Mr. Viner, in *Abridgment* (vol. 17, p. 209). "These books," says he, "are never perused by the learned before they are put to the press, and if the maxims of Tom Thumb or Dr. Doolittle came to their press under the title of law, I dare undertake the patentees would make no scruple of printing them as such."

The rule with regard to licensing books formerly was, "that no book could be cited in court which had not been licensed by the Judges." Mr. Carthew cited a case in *2 Mod.* 97, to the contrary, to which HOLT, Chief Justice, *in irâ*, said, that "no books ought to be cited at the bar but those which were licensed by the Judges." (*1 Ld. Raym.* 537.)

One of the earliest reporters who ventured to break through this custom was Tracy Atkyns, who published *Reports tempore* Lord HARDWICKE, which, although not licensed by the Judges, were cited by Lord MANSFIELD.

(See 1 *Blacks. Rep.* 653, and the Preface to Atkyn's Rep.)

Mr. Justice Foster also published his Reports without obtaining the sanction of the judges; an example which was soon afterwards followed by Sir James Burrow, who has stated his reasons for so doing in his preface. "Licenses by the Chancellor and the Judges," he observes, "proceed upon the character of the reporter only, without saying a word of the work itself, or that the licensers ever saw it. Such licenses (to allow and approve of the printing and publishing) took their rise from the necessity of a license to print, as the law formerly stood, and have continued in the same form of words (without any meaning) since the reason of them has ceased."

It appeared that the Judges themselves were anxious to abolish this unnecessary ceremony. "I have been assured," says Sir James Burrow, in the same preface, "that some now possessed of judicial offices have declared, that they never would sign one, because it hangs out false colors, and misleads those who think it gives the least approbation or authority to the work."

"The same form of license and testimonial," says Mr. Douglas, "continued in use till not many years ago, and the other was only a general commendation of the writer, and no voucher for the merit of the work, the Judges, I believe, came to a resolution not to grant them any longer, and accordingly the more recent reports have appeared without them." (*Pref. to Doug. Rep.* III, and see his *Introduction to Election Cases*, p. 37.)

It appears to have been formerly usual for the writer of a law book to present a copy to each of the judges, a custom which the editor of Sir William Blackstone's Reports is blamed for having omitted. (See the *Charac-*

ter of Sir W. Blackstone, p. 100.) Sir James Burrow makes a formal excuse for his omission of the practice of presenting copies to his friends. "I hope likewise for another favor from all who have honored me with their acquaintance, which is, that they will be so good as to excuse my not sending them books; such a number has a right to expect presents, if I make any, that I have been advised to make none; it is not just that I should lose by the pains I have taken for the service of the profession; I am not solicitous to gain."

In a very excellent series of articles entitled "Sketches of the Irish Bar," which have lately appeared in a periodical publication, we meet with the following highly ludicrous statement in the affidavit of a "process-server:"—"And this deponent further saith, that on arriving at the house of the said defendant, situated in the County of Galway aforesaid, for the purpose of personally serving him with the said writ, he, the said deponent, knocked several times at the outer door, commonly called the hall-door, but could not obtain admittance; whereupon this deponent was proceeding to knock a fourth time, when a man, to this deponent unknown, holding in his hands a musket or blunderbuss loaded with balls or slugs, as this deponent has since heard and verily believes, appeared at one of the upper windows of the said house, and presenting said musket or blunderbuss at this deponent, threatened 'That if said deponent did not instantly retire, he would send his,' this deponent's 'soul to hell,'—which this deponent verily believes he would have done, had not this deponent precipitately escaped."

The firm conduct of Sir Edward Coke, in the dispute between King James and the Judges, respecting Com-

mendams, is highly creditable to the Chief Justice. The King, imagining that his interests might probably be affected in the course of a suit which was then in progress in the King's Bench, directed the Attorney General to write a letter to Sir Edward, commanding the Judges not to proceed in the matter without advising previously with His Majesty. By the advice of Coke, a letter was addressed to the King, signed by all the twelve Judges, stating it to be against law and their judicial oaths to forbear doing justice between the parties, and that they had therefore proceeded to a decision according to their duty. The King, after answering the arguments of his Judges by letter, summoned them to appear before him at the Council Table, where, after much dispute and many reprimands, the following question was put to them: "Whether, in a case where the King believed his prerogative or interest concerned, and required the Judges to attend him for their advice, they ought not to stay proceedings till his Majesty had consulted them?" The other Judges yielded, acknowledging it to be their duty to do so; but Coke answered, "that when that case should be, he would do that which should be fit for a judge to do." This noble reply is most creditable to the memory of Sir Edward Coke. (See his Life, in the *Biog. Britt.*; and see *Coll. Jurid.* 1, 17.)

In the early periods of our law it appears that witchcraft was considered a heresy, and punished accordingly by the Ecclesiastical Courts. The *Mirror* says, "Que sorcery et divinal sont members de heresie;" and, according to Fleta, "Christiani autem Apostatae, sortilegi et hujusmodi detractari debent et comburi." "I have seen," says Sir Edward Coke (3 *Inst.* 44), "a report of a case in an ancient register, that in October, Anno 20 Hen. VI., Margery Gudeman, of Eye, in the county of

Suffolk, was, for witchcraft and consultation with the devil, after sentence and a relapse, burnt, by the King's writ *de heretico comburendo*; and this agreeth with antiquity, for witches, &c., by the laws before the Conquest, were burnt to death. It had been," continued his Lordship, "a great defect in government if so great an abomination had passed with impunity; and this is the cause why we have proved how and in what manner conjuration, witchcraft, &c., were punished with death, &c., before the making of the said statutes, &c." The statutes here alluded to by Coke are the 33 Hen. VIII. c. 8, whereby all witchcraft and scorcery were declared to be felony, without benefit of clergy, and the 1 Jac. I. c. 12, which enacts that all persons invoking any evil spirit, or consulting, covenanting with, entertaining, employing feeding, or rewarding any evil spirit, or taking up dead bodies from their graves to be used in any witchcraft, sorcery, charm, or enchantment; or killing or otherwise hurting any person by such infernal arts, shall be guilty of felony, without benefit of clergy, and suffer death; and if any person should attempt by scorcery to discover hidden treasure, or to restore stolen goods, or to provoke unlawful love, or to hurt any man or beast, though the same were not effected, he or she should suffer imprisonment and pillory for the first offense, and death for the second. This statute probably originated from James himself, who assigns the increase of witches and the denial of their existence as reasons for the publication of his "Demonology," and who doubtless took the earliest opportunity, on his accession to the Crown of England, of enacting this law in favor of his theory.

"The fearful abounding," observes this learned monarch, "at this time, in this country, of these detestable slaves of the devil, the witches or enchanters,

hath moved me, beloved reader, to dispatch in post this following treatise of mine, not in any wise, as I protest, to serve as a show of my learning and ingine, but only (moved by conscience,) to endeavor thereby, as far as I can, to resolve the doubting hearts of many, both that such assaults of Satan are most certainly practiced, and that the instruments thereof merit most severely to be punished, against the damnable opinions of two, principally in our age, where of the one called Scott, an Englishman, is not ashamed in public print to deny that there can be such a thing as witchcraft."

The accounts vary as to the number of persons who suffered under these most cruel and absurd statutes. Hutchinson in his Historical Essay concerning Witchcraft, tells that in 103 years from the statute against witchcraft in 33 Hen. VIII. till 1644, he finds but fifteen executed; but that in the sixteen years following there were 109, if not more, condemned and hanged. In the five years following, he found five witches condemned, and three of them, if not all five, executed, and three more at Exeter in 1682. Since that time, he informs us, he had not met with one witch hanged in England, though in Scotland and New England several had suffered: indeed, so late as the year 1692, he states that nineteen persons were hanged at Salem, in New England, and many more imprisoned. Howell, the letter writer, states the number executed in the middle of the seventeenth century to have been much greater. In a letter, dated February 3rd, 1646, and another dated February 20th, 1647, he says that in two years there were indicted in Suffolk and Essex between 200 and 300 witches, of which more than half were executed. It was not until towards the close of the seventeenth century that this infamous superstition began to decline. "It is seldom," says Roger North (*Life of L. K. Guil-*



*ford*, v. 1, p. 280), "that a poor old wretch is brought to trial on that account, but there is at the heels of her a popular rage that does little less than demand her to be put to death, and if a judge is so clear and open as to declare against that impious vulgar opinion, that the devil himself has power to torment and kill poor innocent children, or that he is pleased to divert himself with the good people's cheese, butter, pigs and geese, and the like errors of the ignorant and foolish rabble; the countrymen (the triers) cry, this judge hath no religion, for that he doth not believe witches, and so to show that they have some, they hang the poor witches." The same writer proceeds to give a curious account of two women who were tried before Mr. Justice Raymond, at Exeter, as witches, and convicted. "His Lordship was somewhat more thoughtful upon this subject, because that in this year in which Mr. Justice Raymond was his co-judge, on the circuit, two old women were hurried out of the country to be tried at Exeter for witchcraft; and the city rung with tales of their preternatural exploits, as the current such tattle useth to overflow. Nay, things went so far as to say that the judge's horses were at a stand, and could not draw the coach up the castle lane; all which the common sort of people firmly believed. It fell out that Raymond sat on the crown side there, which freed his lordship of the care of such trials. But he had really a concern upon him at what happened; which was that his brother Raymond's passive behavior should let these poor old women die. The cases were so far clear, viz., that the old women confessed and owned in court that they were witches. These were two miserable old creatures, that one may say, as to sense and understanding, were scarce alive, but were overwhelmed with melancholy and waking dreams, and so stupid as no one





LORD DENMAN.

The first part of the document discusses the importance of maintaining accurate records of all transactions. This includes not only sales and purchases but also the flow of goods and services between different departments and locations. Proper record-keeping is essential for identifying trends, detecting anomalies, and ensuring compliance with regulatory requirements.

In addition, the document emphasizes the need for regular audits and reconciliations. By comparing internal records with external statements and bank statements, organizations can identify discrepancies and correct them promptly. This helps to maintain the integrity of the financial data and prevents the accumulation of errors over time.

Another key aspect of financial management is the timely recognition and recording of revenue and expenses. This ensures that the financial statements reflect the true performance of the organization for each reporting period. It also allows management to make informed decisions based on up-to-date financial information.

Finally, the document highlights the importance of transparency and communication. Financial data should be clearly presented and explained to all stakeholders, including investors, creditors, and management. This fosters trust and enables better decision-making across the organization.



would suppose they knew either the construction or consequence of what they said. All the rest of the evidence was trifling.

“I, sitting in the Court next day, took up the file of informations taken by the justices, which were laid out on the table, and against one of the old women read thus: ‘This informant saith he saw a cat leap in at her (the old woman’s) window, when it was twilight; and this informant further saith that he firmly believeth the said cat to be the devil, and more saith not.’ The Judge made no nice distinctions, as, how possible it was for old women, in a sort of melancholy madness, by often thinking, in pain and want of spirits, to contract an opinion of themselves that was false, and that their confession ought not to be taken against themselves, without plain evidence that it was rational and sensible, no more than that of a lunatic or distracted man; but he left the point upon the evidence fairly (as they called it) to the jury, and they convicted them both, as I remember, but most certainly one was hanged.”

A striking instance of the real nature of these confessions is mentioned in “Sinclair’s Satan’s Invisible World Discovered.” Several witches were tried in 1649, and all condemned except one. This woman, previous to her examination, made a confession of her dealings with the devil, and though urged to revoke it, persisted, and was taken to execution with the rest. At the stake she spoke as follows:—“Now, all you that see me this day know that I am now to die a witch, by my own confession; and I free all such, especially the ministry and magistrates, from the guilt of my blood. I take it wholly upon myself; my blood be upon my own head. And as I must make answer to the God of Heaven presently, I declare I am as free from witchcraft as any child; but being deluded by a malicious woman, and

put in prison under the name of a witch, disowned by my husband and friends, and seeing no ground of hope of my coming out of prison, or ever coming in credit again, through the temptation of the devil, I made up that confession, on purpose to destroy my own life, being weary of it, and choosing rather to die than live." This unhappy creature is said to have been executed amid the tears of the spectators.

Lord Chief Justice North had, upon one occasion, an opportunity of putting his more enlightened principles to the test. "His Lordship," says Roger North (vol. 1, p. 253), "had not the good fortune of escaping all business of that kind; for at Taunton-Dean he was forced to try an old man for a wizzard; and for the curiosity of observing the state of a male witch or wizzard, I attended in court, and sat near where the poor man stood. The evidence against him was the having bewitched a girl about thirteen years old; for she had strange and unaccountable fits, and used to cry out upon him, and spit out of her mouth straight pins, and whenever the man was brought near her, she fell in her fits and spit forth straight pins. His Lordship wondered at the straight pins, which could not be as well couched in the mouth as crooked ones, for such only used to be spit out by persons bewitched. He examined the witnesses very tenderly and carefully, so none could collect what his opinion was, for he was afraid of the jurymen's precipitancy if he gave them any offense. When the poor man was told he must answer for himself, he entered upon a defense as orderly and as well expressed as I ever heard spoken by any man, counsel or other, and if the Attorney General had been his advocate, I am sure he would not have done it more sensibly.

"The substance of it was malicious threatening, and circumstances of imposture in the girl; to which mat-

ters he called his witnesses, and they were heard. After this, the Judge was not satisfied to direct the jury before the imposture was fully declared, but studied and beat the bush a while, asking sometimes one and then another question, as he thought proper. At length, he turned to the justice of the peace that committed the man and took the first examinations—and, ‘Sir,’ said he, ‘pray will you ingenuously declare your thoughts, if you have any, touching these straight pins which the girl spit; for you saw her in a fit?’ ‘Then, my Lord,’ said he, ‘I did not know that I might concern myself in this evidence, having taken the examination and committed the man; but, since your Lordship demands it, I must needs say that I think the girl doubling herself in her fit, as being convulsed, bent her head down close to her stomacher, and with her mouth took pins out of the edge of that, and then righting herself a little, spit them into some bystander’s hands.’ This cast a universal satisfaction upon the minds of the whole audience, and the man was acquitted. As the Judge went down stairs out of the Court, a hideous old woman cried, ‘God bless your Lordship!’ ‘What’s the matter, good woman?’ said the Judge. ‘My Lord,’ said she, ‘forty years ago they would have hanged me for a witch, and they could not, and now they would have hanged my poor son.’”

The reports of these witch-cases are filled with the most ludicrous and lamentable absurdities. In 2 *How. State Trials*, 1049, is the case of Mary Smith, who was tried in 1616, convicted and executed. It is difficult to imagine how such a mass of insane or perjured evidence could be collected as appears on these trials for witchcraft. Perhaps the only way of accounting for it is by supposing the imagination of the witnesses to have been affected to a degree almost amounting to insanity.



The account of Mary Smith's wicked practices against Edmund Newton is admirable for its thorough absurdity: "The fourth endangered by this hagge was Edmund Newton; the discontentment did arise from this ground, because he had bought several bargains of Holland cheese and sold them again, by which she thought her benefit to be somewhat impaired, using the like kind of trading. The manner of her dealing was in this sort:—At every several time of buying cheese, he was previously afflicted (being thrice), and at the last either she or a spirit in her likeness did appear to him, and whisked about his face (as he lay in bed), a wet cloth of a very loathsome flavor; after which he did see one clothed in russet, with a little bush beard, who told him he was sent to look upon his sore leg and would heal it, but rising to show the same, perceiving he had cloven feet, refused the offer, who then (these being no vain conceits or phantasies, but well advised and diligently considered observations), suddenly vanished out of sight. After this she sent her imps, a toad and crabs crawling about the house, which was a shop planchered with boards, where his servants (he being a shoemaker) did work, one of which took that toad and put it into the fire, where it made a groaning noise for one quarter of an hour before it was consumed, during which time Mary Smith who sent it did endure (as was reported) torturing pains, testifying the grief felt by her outcries then made."

The cat which belonged to this poor old woman experienced scarce a more lenient treatment than the toad. "After this, the witness being married unto James Scott, a great cat which kept with this (of whose infernal both practices and performs we now speak), frequented their house, and upon doing some scathe,

her husband, moved therewith, thrust it twice through with his sword, which, notwithstanding those wounds received, run away; then he struck it with all his force upon the head with a great pike-staff, but could not kill her, but she leaped after this upward almost a yard from the boards of that chamber where she now was, and crept down, which he perceiving, willed his lad (a boy of fourteen years), to drag her to the muck-hill, but was not able, and therefore put her in a sack, and being in the same, she still moved and stirred; whereupon they put her out again and cast her under a pair of stairs, purposing in the morning to get more help to carry her away, but then she could not be found, though all the doors that night were locked, and they never heard what afterwards became thereof."

The conduct of Sir Matthew Hale, on the trial of several persons for witches, at Bury St. Edmund's, in 1665 (see *Howell's State Trials*, vi. 1047), has been deservedly the subject for great reprehension, and is said to have justified the remark that "his piety and theological reading seemed only to have had the effect of rendering him credulous and unrelenting."

Alluding to the same trial, Foster, in his Preface to his *Crown Law*, has observed of Hale more leniently, "that the rectitude of his intentions, while under the strong bias of strong prejudices, might sometimes betray him into great mistakes." The conduct of the Chief Justice was more unpardonable, as, from an experiment made in court, Lord Cornwallis, Sir Edmund Bacon and Mr. Sergeant Keeling openly protested "that they did believe the whole transaction of this business was a mere imposture." Hale, however, like Raymond, left the matter fairly to the jury, and the wretched prisoners were convicted.

When Holt was made Chief Justice, the prosecution

of witches began gradually to fall into discredit. Eleven persons were tried before him for this crime, and notwithstanding the usual evidence of vomiting pins, devil's marks and sucking imps, were all acquitted.

Chief Justice Parker, who succeeded him, put a stop to the summary rustic practice of trying witches by the water ordeal, by declaring, at the Essex Summer Assizes, in 1712, that if the suspected witch was drowned, all the parties concerned were guilty of murder.

The exploits of Hopkins, the celebrated witch-finder, have lately been made the subject of a novel, and had they not been of so fatal a character, might afford much food for laughter. The enumeration of the names of the infernal imps, or familiars employed by a certain witch, is very amusing. The first was Holt, "who came in like a white kitling;" second, Jarmara, "who came in like a fat spaniel, without any legs at all;" third, Vinegar Tom, "who was like a long-legged grey-hound, with a head like an ox;" fourth, Sack-and-Sugar, "like a black rabbit;" fifth, Newes, "like a polecat;" Elemanzer, Pyewacket, Peck-in-the-Crown, Grizzle, Greedigut, &c. This Hopkins is said to have hanged thirty suspected witches in one year. Selden, in his *Table-Talk*, has justified the laws against witches, in a most extraordinary manner. "The law against witches does not prove that there be any, but it punishes the malice of those people that use such means to take away men's lives. If one should profess that by turning his hat thrice and crying buz, he could take away a man's life (though in truth he could do no such thing), yet this were a just law made by the State, that whoever should turn his hat thrice and cry buz, with an intention to take away a man's life, shall be punished with death." "Such a law," observes Mr. Barrington, "as that sug-

gested by Selden, may be declared not only to be ridiculous and futile, but highly unjust."

A copious article on the subject of witchcraft, and of which we have occasionally made use in the foregoing pages, is to be found in the *Retrospective Review*, vol. v. p. 86.

"The Lord Chancellor having taken his seat in the court where the vacancy is to be filled, bringing with him the King's letters patent, shall cause the serjeant elect to be brought in, to whom in open court, he notifies the king's pleasure, causing the letters to be publicly read; which done, the Master of the Rolls shall read to him the oath which he has to take, 'that he shall indifferently minister justice to all men, as well foes as friends, that shall have any suit or plea before him; and this he shall not forbear to do, though the King's Letters,'<sup>1</sup> or by express word of mouth would command the contrary; and that from time to time he shall not receive any fee or pension, or living of any man but of the king only, nor any gift, reward, or bribe, of any man having suit or plea before him, saving meat or drink, which shall be of no great value;<sup>2</sup> and on this oath being administered, the Chancellor shall deliver to him the King's Letters aforesaid, and the Lord Chief Justice of the court shall assign him a place in the same, where he shall then place him, and which he shall afterwards keep.

"The justice thus made, shall not be at the charges of any dinner, solemnity, or other costs, because there is no degree in the faculty of the law, but an office only,

<sup>1</sup> As to the oath of the judges, see 3 *Inst.* 223. Lord Coke, in resisting the king's commands in the case of commendams, relied upon this oath. See 1 *Col. Jur.* 1.

<sup>2</sup> Sir Mathew Hale appears to have put a very severe construction on these words. See his *Life by Burnet*, p. 31.

and a room of authority to continue during the king's pleasure."

The Judges anciently rode to Westminster in great state after they were so made. Mr. Justice Coventrie, a Bencher of the Inner Temple, being chosen a Judge of the Common Pleas, proceeded from his chambers in Sergeants' Inn of Westminster, accompanied by the gentlemen of the Temple and the students of the Inns of Chancery. The Judge went foremost, after him the Bench, and then the Bar, then the gentlemen of the House, and then the students of the various Inns. But the order of this procession being found to be erroneous (for the Inns of Chancery should go first, then the young gentlemen of the House in which the judge has studied, then the Bar, then the Bench, after that the Ancients, and last of all the Judge), the error was corrected on the following day in accompanying Judge Tanfield of the Temple.

"In the same manner was conducted the procession of Sir Henry Montague, who succeeded Sir Edward Coke in the Chief Justiceship of the King's Bench, Michaelmas Term, 1616.<sup>1</sup> First went on foot the young gentlemen of the Inner Temple (of which House he was), after them the barristers, according to their seniority, next the officers of the King's Bench, then the Chief Justice himself on horseback in his robes, the Earl of Huntingdon on his right and the Lord Willoughby of Eresby on his left, with about fifty knights and gentlemen following."—*Herbert's Inns of Court*, 91.

It is said that a bill was once brought in the Exchequer, by a highwayman of the name of Everett, against his coadjutor (Williams), in order to compel the

<sup>1</sup> See Bacon's Speech to Montague, on his being sworn in as Chief Justice. *Marr's Rep.* 826.

latter to account for a moiety of the partnership effects. The bill did not state the unlawful employment in direct terms, but alleged that "the plaintiff was skilled in dealing in several commodities, such as plate, rings, watches, &c.; that the defendant applied to him to become a partner; that they entered into partnership, and it was agreed that they should equally provide all sorts of necessaries, such as horses, saddles and bridles, and should equally bear all expenses on the roads, and at inns, taverns, or alehouses, or at markets or fairs. And your orator and the said Joseph Williams proceeded jointly and with good success in the same business on Hounslow Heath, where they dealt with a gentleman for a gold watch; and afterwards said Joseph Williams told your orator that Finchley, in the county of Middlesex, was a good and convenient place to deal in, and that commodities were very plenty at Finchley aforesaid, and that it would be almost all clear gain to them; that they went accordingly, and dealt with several gentlemen for divers watches, rings, swords, canes, hats, cloaks, horses, bridles, saddles and other things; and that about a month afterwards the said Joseph Williams informed your orator that there was a gentleman at Blackheath, who had a good horse, saddle, bridle, watch, sword, cane and other things to dispose of, which he believed might be had for little or no money; that they accordingly went and met with the said gentleman, and, after some small discourse, they dealt for the said horse, &c.; that your orator and the said Joseph Williams continued their joint dealings together at several places, viz: at Bagshot, in Surrey; Salisbury, in Wiltshire; Hampstead, in Middlesex, and elsewhere, to the amount of two thousand pounds and upwards." The rest of the bill was in the ordinary way for a partnership account. It was referred for scandal and impertinence, and the

solicitors were imprisoned and fined, while the counsel, who signed the bill, was directed to pay the costs. The plaintiff was afterwards executed, and one of the solicitors convicted of a robbery and transported.—See Appendix to *Clifford's Report of Southw., Ecler. European Mag.* v. ii. p. 360; *Noy's Maxims*, 9th edit. 205.

“A thief, being arraigned at the bar for stealing a mare, in his pleading urged many things in his own behalf; and at last, nothing availing, he told the Bench the mare rather stole him than he the mare; which, in brief, he thus related: “That passing over several grounds, about his lawful occasions, he was pursued closely by a fierce mastiff-dog, and so was forced to save himself by leaping over a hedge, which, being of an agile body, he effected; and in leaping, a mare standing on the other side of the hedge, leaped upon her back, who, running furiously away with him, he could not by any means stop her until he came to the next town, in which town the owner of the mare lived, and there he was taken, and here arraigned.”—*Bacon's Apothegms*.

“Sir NICHOLAS BACON, when a certain nimble-witted counselor at the bar, who was forward to speak, did interrupt him often, said unto him, ‘There is a great difference betwixt you and me: it is a pain to me to speak, and a pain to you to hold your peace.’”—*Bacon's Apothegms*.

On the celebrated trial of Elizabeth Canning, Mr. WILLES, afterwards Solicitor General in 1766, made a Judge of the King's Bench in 1767, and ultimately raised to the dignity of Chief Justice, thus cross-examined one of the witnesses for the prisoner:

“What time did she (Elizabeth Canning) come? About twelve o'clock at noon.

“Did anybody come with her that day? No; nobody.

“Was she in perfect health? I never saw her better, as I know of.

“What had you for dinner? Some of a cold shoulder of mutton and potatoes, which was dressed the Sunday before.

“Did she eat a hearty dinner? She ate as hearty as she could; she seemed to eat as hearty as I did.

“This being New-Year's Day, what did you give her to drink? She drank some ten-shilling beer, which I had in the house. I was at work in the afternoon.

“Does your wife drink tea in the afternoon? She generally does, whether she has company or not.

‘Have you seen your niece drink tea? I have.

‘Do you think your wife and she had tea that afternoon? I do really believe they had.

“Does your wife generally have bread and butter or toast with her tea, or not? She generally chooses toast and butter.

“What time did you return home from work? About seven in the evening.

“What had you for supper? We had some of a sirloin of beef roasted.

“Did your niece eat of that? She ate a small quantity of that, but could not eat much.

“What did she drink after that? She drank a small quantity of ten-shilling beer.”

This cross-examination was ridiculed by Foote in a farce, in the performance of which he exercised his talent of mimicry by a very successful exhibition of Mr. Willes's peculiarity of voice and manner.



In vindication of Willes, Mr. Malone has observed (in his *Inquiry into the Authenticity of the Papers, &c.*, which, in 1795, were published as the writings of Shakspeare, Queen Elizabeth, and the Earl of Southampton):

“Persons who are not conversant with legal subjects, or the true object of lawyers in their examination of evidence, are frequently surprised at minute questions put to witnesses, which they think either vexatious or impertinent; and on such occasions the well-known question which a late admired comic actor introduced into one of his pieces, and which he rendered still more ridiculous by imitating the thin and stridulous voice of an eminent barrister, who was afterwards raised to the bench, ‘Pray now let me ask you, was—the—toast buttered on both sides?’ is often mentioned with much satisfaction and applause by those who have attended more to the humor of the theater than the investigation of the truth. But the judicious lawyer, when he asks, not precisely such questions as the English Aristophanes has invented for him, but, in the case (we will suppose) of a disputed will,—whether the testator, when he made and published it, was sitting up in his bed, or in an arm-chair; what was the size or form of the room; how many persons were present; who lighted the candles, or furnished the wax with which it was sealed? &c.,—perfectly understands what he is about; and, in case of fiction or fraud, the event often proves the propriety of such an examination; for, by the answers given these questions, compared with the testimony of others, and the real fact the instrument set up is quickly overthrown.”—*State Trials*, vol. xix. p. 475.

The rule of law which compels a jury to be unanimous, however various their opinions may originally be,

has doubtless given rise to many singular scenes. On the trial of the seven Bishops, in the reign of James II., the jury withdrew and remained in deliberation the whole of the night, owing, as it is supposed, to the obstinacy of one Arnold, the king's brewer. (See *Macpherson's State Papers*, vol. i., p. 265.) In the following letter an account of the conduct of this jury is given.

*" John Ince to the Archbishop of Canterbury.*

*June 30th, 1688.*

" May it please your Grace.

" We have watched the jury carefully all night, attending without the door, on the stairhead. They have, by order, been kept all night without fire and candle, save only some basins of water and towels this morning about four. The officers and our own servants, and others hired by us to watch the officers, have, and shall constantly attend, but must be supplied with fresh men to relieve our guard if need be.

" I am informed by my servant and Mr. Grange's that about midnight they were very loud with one another, and that like happened about three in the morning, which makes me conclude they are not yet agreed. They beg for a candle to light their pipes, but are denied.

" In case a verdict pass for us, which God grant in his own good time, the present considerations will be how the jury shall be treated. The course is usually each man so many guineas, and a common dinner for them all. The quantum is at your Grace's and my Lord's desire. But it seems to my poor understanding, that dinner might be spared, lest our watchful enemies should interpret it against us. It may be ordered thus,

each man —— guineas for his trouble, and each man a guinea over for his own desire.

“ My Lord,

“ Your Grace’s most humble Serv.

“ JOHN INCE.

“ N. B. There must be 200 guineas provided.” (See *Macpherson’s State Papers*, vol. i., p. 154.)

By way of appendix to the above, we may add a very interesting account of the deliberations of a jury in a late case. The action was brought up by Mr. Bodkin, honorary secretary to the Mendicity Society, against the *Times* newspaper.

“ Immediately after the jury were shut up in the Bail Court, the tendency of the alleged libel was warmly discussed. The special jurymen used great abundance of language if not of argument, for the purpose of convincing Mr. Sawyer that it was a false, malicious, and injurious publication. That gentleman manfully defended his opinion against all their objections; alleging, that he thought the remarks made upon Mr. Bodkin’s conduct to be such as the occasion required, and such as he himself should have written, had he possessed the necessary talent.

“ Several speeches were made upon the subject, which produced no effect except it were that of making the speakers more obstinately attached to the side they advocated. A Mr. Cooke, who was a talesman, was a silent but not an ineffectual assistant to Mr. Sawyer, in the vast fire of words which his brother jurymen opened upon him. He agreed with Mr. Sawyer, that the paragraph complained of formed no libel; and declared he could not consent to give a verdict which should declare them to be such. Both gentlemen requested their opponents to give them a definition of

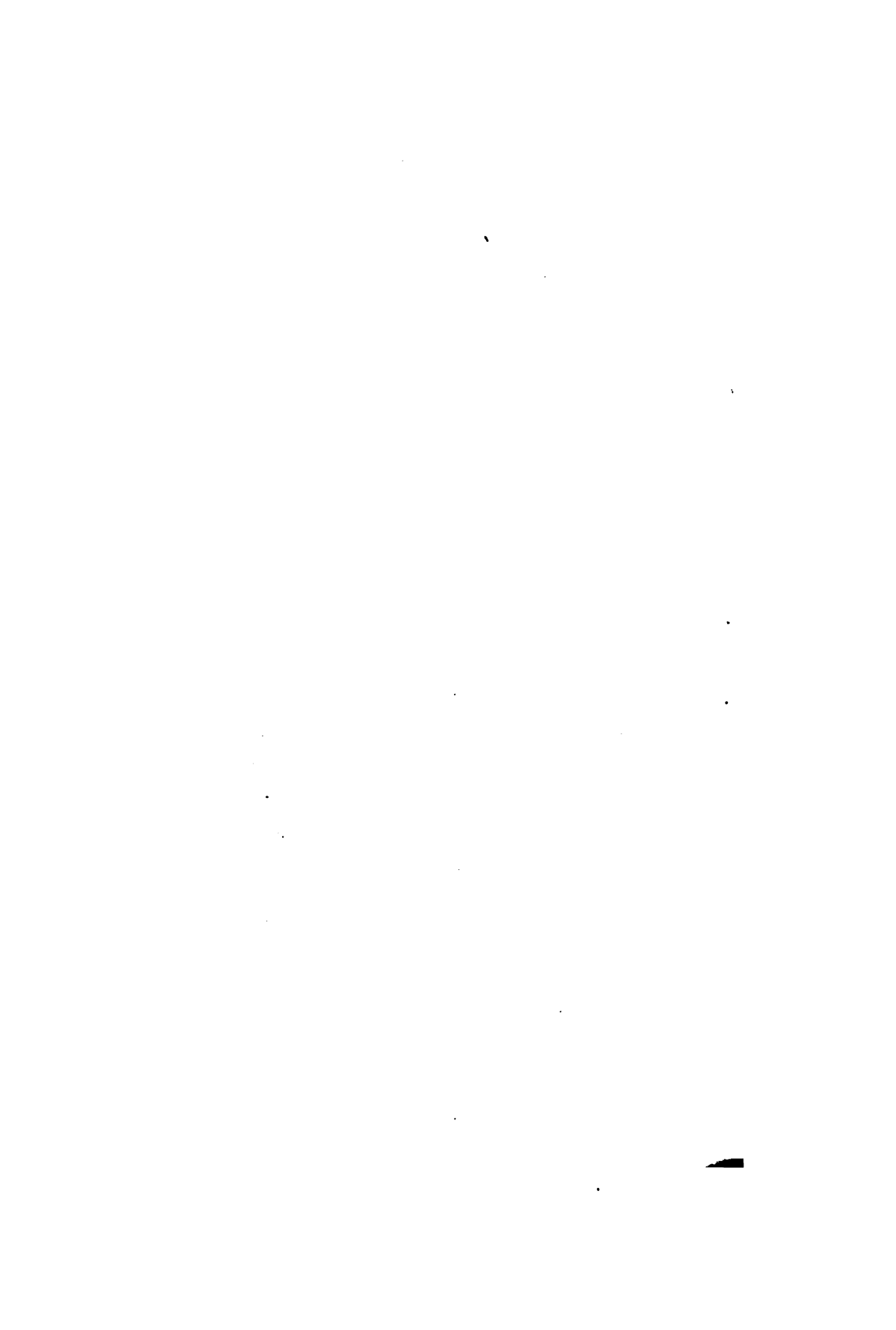
what was and what was not a libel ; and were answered with the usual remarks, that everything is a libel which tends to bring a man's character into contempt. They were also treated with a dissertation upon the necessity of restraining the licentiousness of the press, which one gentleman recommended as the best means of preserving its liberty. Another told them, that though the press had been styled the palladium of British freedom, he could not consider it as such, when he saw it making attacks like the present upon the character of private individuals. A third declared that the malice of the article of which Mr. Bodkin complained was so great, that he would consent to nothing less than a verdict which gave £300 damages.

“ Mr. Sawyer and Mr. Cooke called upon them to point out the malice which was said to be so evident in the alleged libel, asserting that they would have no objection to give a verdict for the plaintiff, if they could be satisfied upon that point. The libel was in consequence read over, paragraph by paragraph, several gentlemen commenting upon it as they went along. Still the two jurymen remained unconvinced. Under these circumstances, the jury came into court about seven o'clock, and the conversation then took place between Mr. Justice Littledale and Mr. Sawyer, which was reported in our paper of Saturday. The result of it was, that Mr. Sawyer and Mr. Cooke, in consequence of the doctrine laid down by Mr. Justice LITTLEDALE respecting constructive malice, gave up their intention of finding a verdict for the defendant, and agreed to join their brethren in a verdict for the plaintiff.

“ They then left the box to consider of the damages which they should give the plaintiff for the loss of his character. A question then arose as to damages. The two jurors who had reluctantly consented to find a ver-

dict for the plaintiff, said nothing should induce them to give more than nominal damages; and not knowing that in an action for libel a farthing's damages will carry costs, if the Judge does not certify, declared their intention of submitting to starvation before they gave Mr. Bodkin more than costs of his suit. This declaration was not likely to excite much satisfaction in the minds of any of the jurors, and some of the special jurors, we are informed, evinced great displeasure at it. The usual hour of dinner had arrived, and the sherry and sandwiches which Mr. Justice Littledale had permitted to be sent into Mr. Robertson and Mr. Horton, on account of their advanced age, tending only to excite the appetite of their brother jurors, Mr. Goodsall, who, we understand, was to dine with his father-in-law, the Lord Chief Justice of the Common Pleas, seemed particularly to regret the loss of his dinner. He tried, first, by pompous language, then by argument, then by persuasion, then by entreaty, and, in the course of the night, by violence, to induce Mr. Sawyer to concur with his brother jurors. Mr. Sawyer, however, was inflexible, and told Mr. Goodsall that even if he were so base as to neglect his oath for the sake of his appetite, there would still be the integrity of Mr. Cooke to overcome—a gentleman who, though he said little, was not the less determined to maintain the opinion he had formed upon the present case. Mr. Goodsall appeared to think lightly of Mr. Cooke's opposition, saying that he had no doubt that Mr. Cooke would yield, if Mr. Sawyer would set him the example.

“Mr. Goodsall then held out other inducements to Mr. Sawyer, which were, however, as unavailing as his prayers, his entreaties, and his subsequent violence. In the midst of these discussions, time wore away, per-





*The true portraiture of Iudge Littleton the famous English Lawyer*

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haps neither pleasantly nor rapidly to the gentlemen engaged in them.

“ About half past eight o'clock several jurymen wrote to their families stating that they must not expect them that night ; and their notes were dispatched by the officer of the court. As it had now become evident to both parties that they could not convince the other, the matter ceased to be one of argument, and became one of starvation. At this stage of the proceeding, the jurors formed themselves into detached groups, and amused themselves as they could in their dark, hungry, and desolate condition. It was a Vauxhall night ; and one of them attempted to console his fellows by reminding them that at twelve o'clock at night they would have the fire-works at Vauxhall to enlighten their darkness. Twelve o'clock came, but the fire-works, though they were heard, were not seen, for the towers of the abbey intervened, and interrupted the line of vision.

“ Mr. Goodsall at this hour of the night was rather obstreperous. He stamped about the room in a great passion, and committed other extravagancies. Mr. Sawyer, having heard all that could be said against him, and having said all he could say in his own behalf, now prepared himself for sleep, by taking off his coat, rolling it up, and placing it as a pillow upon some chairs which he had put together to serve him as a bed. His brother jurors expressed dissatisfaction at this proceeding, and urged many objections to this novel mode of discharging the duties of a jurymen. After giving them such answer as he thought proper, and recommending his seconder, Mr. Cooke, to follow his example, on the ground that sleep was the best antidote against the evils of fasting, he proceeded to carry his own advice into execution as rapidly and as comfortably as he could under existing circumstances. This was the gentleman

who was described in our paper of Saturday as seen lying upon some chairs at one of the periods when the room was opened by the officer to attend to the complaints of the jury. Daylight at last dawned upon these unhappy jurors, but brought with it little relief to their misery. At half-past five, Mr. Sawyer, who was the only person that had been asleep soundly, awoke, and told his brothers in thralldom that he was as much refreshed by his sleep as if he had taken a meal.

“This was not a very delightful enunciation to those gentlemen who were suffering under the want of sleep and want of sustenance. To Mr. Goodsall it proved particularly exasperating; he exhibited symptoms of temporary insanity; he jumped upon a bench, and threatened destruction to Mr. Sawyer for detaining him from his family by his obstinate opposition. He then seized his cane, which was of considerable thickness, and struck it so forcibly upon the Judge’s seat as to make several indentations, and did not cease from his violence till he had broken it completely into slivers. He then began to rail with great vehemence against Mr. Sawyer, who had good sense enough not to make any answer to his ravings. This appeared to offend him still more. He then cried out, ‘I shall go mad; he’ (pointing to Mr. Sawyer), ‘is cutting my throat with a feather.’ He then made a spring at that gentleman, and would certainly have done him some injury, had he not been prevented by the strong arms of those that surrounded him. It has been stated that he then endeavored to tear up a bench as a weapon, and that he broke a window in endeavoring to escape; but we have reason to believe that there is no truth in either of these statements. He sunk at last into a silent melancholy, and was some time quiet from complete exhaustion.

“Very early in the morning the question had been

narrowed to this point—whether the verdict should be a farthing or forty shillings. Mr. Sawyer was obliged to consort with his silent but effective seconder, Mr. Cooke. Whenever he approached any of the groups into which the other jurors had formed themselves, they fled from him as from a pestilence. The consequence was that he was flung upon his own resources for amusement, and at seven o'clock was seen seated at the window, gazing very placidly on the passengers in the street.

“Poor Mr. Goodsall could not, however conduct himself thus quietly. He attempted to force himself out of court, but was unsuccessful, in spite of all his protestations that parties within were driving him to madness”

The late Lord KAIMES used sometimes to let his wit get the better of his dignity as a judge. Being on the circuit at Perth, after a witness on a capital trial had concluded his testimony, his Lordship said, “Sir, I have one question more to ask you, and remember you are on your oath. You say you are from Brechin?” “Yes, my Lord.” “Do you know Colin Gillies?” “Yes, my Lord, I know him very well.” “Then tell him I shall breakfast with him on Tuesday morning!”

A history of judicial corruption in England would, perhaps, furnish an instructive lesson. If we may believe the author of *The Mirror*, the system took its rise very early in England. In the chapter on the “Abuses of the Common Law,” it is said, that “it is abuse that justices and their officers, who kill people by false judgments, be not destroyed as other murderers, which King Alfred caused to be done, who caused forty-four justices in one year to be hanged as murderers, for their false judgments.” The details of this wholesale piece of

retribution are there given, with the names of all the corrupt judges who suffered. We extract a few of the cases, as specimens of the nature of their crimes.

“ He hanged Cadwine, because that he judged Hackery to death without the consent of all the jurors; and whereas he stood upon the jury of twelve, and because three would have saved him against the nine, Cadwine removed the three, and put others upon the jury, upon whom Hackery put not himself.

“ He hanged Cole, because he judged Ive of death, when he was a madman.

“ He hanged Arthulf, because he caused Copping to be hanged before the age of one-and-twenty years.

“ He hanged Athelstan, because he judged Herbert to death for an offense not mortal.<sup>1</sup>

“ He hanged Horne, because he hanged Simon at days forbidden.

“ He hanged Sherborne, because he judged Osgot to death for a fact whereof he was acquitted before, against the same plaintiff, which acquittance he tendered to own by oath; and because he would not own it by record, Sherborne would not allow of the acquittal which he tendered him.

“ He hanged the Suitors of Cirencester, because they kept a man so long in prison that he died in prison, who would have acquitted him by foreigners that he offended not feloniously.”

There is also a singular fact, mentioned in the same chapter, that in Alfred's time the judges used to take twelve pence from every plaintiff “ at the journey.”

It appears that in the reign of Edward I. the judges had become very corrupt: *Judicia perverterunt*, says

<sup>1</sup> This retributory sentence will, perhaps, remind the reader of a late case in an English Colony, where a prisoner was tried by the English law for an offense by that law not capital, and yet was condemned to death. It was fortunate for the judges that they did not live in Alfred's time,

Matthew of Westminster, et in allis erraverunt. The King, therefore, on his return from France, in the seventeenth year of his reign (finding the measure convenient in order to replenish his exchequer, says Blackstone), resolved to prosecute his judges, against whom many charges of erasing and altering records were brought forward.

Thomas Wayland, Chief Justice of the Common Pleas, was attainted of felony as an accessory in murder, and having abjured the realm, forfeited all his estates, which are said to have amounted to the enormous sum of one hundred thousand marks, or seventy thousand pounds. (3 *Pryn. Rec.* 401, 402; 3 *Inst.* 146, 147, 223.)

The charge against Sir Ralph Hengham, or Ingham, was merely that he had, out of compassion, altered the record of a fine which had been imposed upon a very poor man, from thirteen shillings and four pence to six shillings and eight pence, an offense for which he was himself fined eight hundred marks. It appears, however, that though he was at this time removed from the bench, he was, about eleven years afterwards, again made a Puisne Judge, and subsequently Chief Justice of the Common Pleas. (See *Blacks. Com.* 409, note.) There is a tradition, that with this fine a clock-house was built at Westminster, and furnished with a clock,<sup>1</sup> to be

<sup>1</sup> Lord Holt appears to allude to this anecdote in the following case, in which the propriety of altering a record came in question. His lordship's observation must appear ludicrously inapplicable to any one who does not recollect the anecdote. (See 6 *Mod.* 130.)

ANONYMOUS.

In ejectment the term was made for five years; and after a verdict for the plaintiff, he was delayed of judgment and execution by injunction in chancery, until the term incurred.

And now it was moved to renew the term, and the case of *Dougell v. Greenville* was quoted, where it was done, and they used to do it frequently in the Exchequer.

*Curia.* We cannot do it without altering the record.

*Gould, J.*, said that they held in *Sir J. Rolle's Case*, that it could be done by consent, but not otherwise.

heard in Westminster Hall. (4 *Inst.* 255.) It has been remarked in answer to this, that clocks did not come into common use until a hundred years afterwards, about the end of the fourteenth century.

How usual a practice it was in the sixteenth century, to present gifts to the judges when the donor had a cause pending before them, appears from many anecdotes recorded in our legal biography. In Roper's *Life of Sir Thomas More*, some incidents of this kind are related :

“And had he not been one, that in all his great offices and doings for the king and the realm so many years together had from all corruption of wrong-doing, or bribes-taking, kept himself so clear, that no man was able therewith to blame or blemish him : it would without doubt, in this troublesome time of the king's indignation towards him, have been deeply laid to his charge, and of the king's highness most favorably accepted. As in the case of one Parnell, it most manifestly appeared, against whom, because Sir Thomas More, when he was Chancellor, at the suit of one Vaughan, his adversary, had made a decree, this Parnell to his highness most grievously complained that he, for making the decree had, of the said Vaughan, unable to travel abroad himself for the gout, by the hands of his wife, taken a fair great gilt cup for a bribe. Who thereupon, by the king's appointment, being called before the whole council, where the matter was previously laid to his charge, forthwith confessed that forasmuch as that cup was long after the foresaid decree, brought to him as a new year's gift, he upon her importunate press-

*Holt, C. J.*, said he considered they wanted a clock-house over against the hall-gate.

And the motion was denied.

ing upon him thereof, out of courtesy refused not to receive it. Then the Lord of Wiltshire, for hatred of his religion, preferrer of this suit, with much rejoicing, said unto the Lords, 'Lo! my lords, did I not tell you, my lords! that you will find this matter true?'

"Whereupon Sir Thomas More desired their Lordships, that as they had heard him courteously tell the one part of his tale, so that they would vouchsafe of their honors indifferently to hear the other. After which obtained, he further declared to them, that albeit he had indeed with much work received that cup, yet immediately thereupon he caused his butler to fill it with wine, and of that cup drank to her, and that when he had so done, and she pledged him, then as freely as her husband had given it to him, even so freely gave he the same to her to give unto her husband for his new year's gift, which at his instant request, though much against her will, at length, yet she was fain to receive, as herself and certain others, those present before them deposed. Thus was the great mountain turned scant into a mole-hill.

"So I remember at another time, upon a new year's day, there came unto him one Mistress Croker, a rich widow, for whom with no small pains, he had made a decree in the Chancery against the Lord of Arundell, to present him with a pair of gloves, and forty pounds in angels in them, for a new year's gift, of whom he thankfully received the gloves, but refusing the money, said unto her, 'Mistress, since it were against good manners to forsake a gentlewoman's new year's gift, I am content to take your gloves; as for your money I utterly refuse it;' so, much against her mind, enforced her to take her gold again. And one Master Gresham, likewise, at the same time having a cause depending in the Chancery before him, sent him for a new year's gift



a fair gilt cup, the fashion whereof he very well liking, caused one of his own, though not in his fantasy of so good a fashion, yet better in value, to be brought out of his chamber, which he willed the messenger in recompense to deliver unto his master, and under other conditions would he in nowise receive it." (*Roper's Life of More*, p. 60.)

The practice of judicial corruption appears to have prevailed to a considerable extent at the commencement of the sixteenth century, as may be inferred from Bacon's address to Sergeant Hutton, on the latter being appointed a Judge of the Common Pleas. He thus solemnly cautions the new Judge: "That your hands and the hands of your hands (I mean those about you) be clean and uncorrupt from gifts, from meddling in titles, and from serving of turns, be they great ones or small ones." It would indeed have been fortunate for Bacon's reputation had he remembered the advice himself which he here gave to another. The charges of accepting bribes were most of them confessed by him, though often with extenuating observations, as that they were received after the causes were ended. The following were amongst some of the most remarkable charges:

*Item.* In the cause between Hodie and Hodie, a dozen of buttons, after the cause had ended, of the value of fifty pounds.

*Item.* In the cause of Kenday and Valore. Of Kenday, a cabinet worth eight hundred pounds. Of Valore, borrowed at two times, two thousand pounds.

*Item.* In Lord Mountaine's cause, of the Lord Mountaine, and more promised at the end of the cause, six hundred pounds or seven hundred pounds.

*Item.* In a cause between Raynell and Peacock, two hundred pounds in money, and a diamond ring worth

five hundred pounds or six hundred pounds—seven hundred pounds or eight hundred pounds.

*Item.* There being a reference from his Majesty to his Lordship, of a business between the grocers and apothecaries, he had of the grocers two hundred pounds. Of the apothecaries, besides a rich present of amber grease, one hundred and fifty pounds.

*Item.* Of the French merchants, to constrain the vintners of London to take one thousand five hundred tons of wine; to accomplish which, he used very indirect means, by color of his office and authority, without bill or other suit depending, as threatening the vintners, for which he received of the merchants one thousand pounds.

Bacon, it is said, attempted to excuse his corruption by alleging that he had taken bribes "to do justice, not to do injustice." In a letter to the King he says: "And for the briberies and gifts wherewith I am charged, when the book of hearts shall be opened, I hope I shall not be found to have the fountain of a corrupt heart, in a depraved habit of taking rewards to pervert justice, howsoever I may fail and partake of the corruption of the times." The sentence upon Bacon was, that he should undergo a fine of forty thousand pounds; that he should be imprisoned in the Tower during the King's pleasure; that he should be for ever incapable of any office, place or employment in the State or Commonwealth; and that he should never sit in Parliament, or come within the verge of the Court. The King granted him a full pardon for the whole sentence, but he was not again summoned to Parliament before the reign of Charles I.

In the reign of Charles II. the system of judicial bribery and corruption was in full vigor. The King himself (see *Barrington's Observations on the Ancient Statutes*), in appeals to the House of Lords, used to go

about whilst the cause was hearing, and solicit particular lords for appellant or respondent. Whitelock, then a barrister, applied to the judges with regard to a prosecution for a libel on his father, who had been on the bench, and was then dead. The libeler was indicted after this previous conversation, and convicted. Sir Matthew Hale appears to have experienced great difficulty in avoiding the importunity of persons who were desirous of securing his favor.

“ He would never receive private addresses or recommendations from the greatest persons, in any matter in which justice was concerned. One of the first peers of England went once to his chamber, and told him that, having a suit at law to be tried before him, he was there to acquaint him with it, that he might the better understand it when it came to be heard in the court. Upon which, the Lord Chief Baron interrupted him, and said he did not deal fairly to come to his chamber about such affairs, for he never received any information of causes but in open court, where both parties were to be heard alike. So he would not suffer him to go on; whereupon, his grace (for he was a duke) went away, not a little dissatisfied, and complained of it to the King, as a rudeness which was not to be endured. But his Majesty bid him to content himself that he was no worse, and said he verily believed he would have used himself no better, if he had gone to solicit him in any of his own causes.

“ Another passage fell out in one of his circuits, which was somewhat censured as an affectation of unreasonable strictness; but it flowed from his exactness to the rules he had set himself. A gentleman had sent him a buck for his table, that had a trial at the assizes; so when he heard his name, he asked, if he was not the same person that had sent him venison; and finding he

was the same, he told him he could not suffer the trial to go on till he had paid him for his buck; to which the gentleman answered, that he never sold his venison, and that he had done nothing to him that he did not do to every judge that had gone that circuit, which was confirmed by several gentlemen then present; but all would not do, for the Lord Chief Baron had learned from Solomon, that a gift perverteth the ways of judgment, and therefore he would not suffer the trial to go on till he had paid for the present; upon which the gentleman withdrew the record. And at Salisbury the Dean and Chapter having, according to the custom, presented him with six sugar-loaves in his circuit, he made his servants pay for the sugar before he would try their cause."

The conduct of Lord Hale upon this occasion, might, perhaps, be properly censured as "an affectation of an unreasonable strictness;" for to have accepted the venison as a present, would not have infringed the strict form of the ancient judicial oath, which ran "not to receive any fee or pension, &c., nor any gift, reward, or bribe, of any man having suit or plea before him, saving meat and drink which shall be of no great value."

North, when Chief Justice of the Common Pleas, in the reign of Charles II. appears not to have been altogether free from suspicions of bribery, notwithstanding the pure character of him given by his brother, Roger North. "There was," says the author of the Lives of the Lord Chancellors, "an old story of a Chancery suit between the Duke of N—— and Sir P—— H——, in his time, and of some gold plate in a box; but it looks too invidious to relate it." (Vol. i., p. 178.) After he was made Lord Keeper, he incurred great blame by the acceptance of a pecuniary present from some of the officers of his court.

The anecdote is thus related by Roger North. :

“ One thing more is to be remembered, which was talked in coffee houses, concerning his Lordship; but by them only who were the culpables. The six clerks have great dependence on the course of the Court of Chancery for their profits, and are always disposed to keep the judge in good humor, and prevent alterations to their prejudice. And all the judges of the courts make no scruple to accept presents of value from the officers, by way of new year's gift, or otherwise; which is a practice not very commenable, because with some it may have bad effects. Accordingly these six clerks clubbed, and made a present to his Lordship of one thousand pounds, which he took as an instance of their respect, without regard to, or knowledge of, any other design, or intention of theirs. But soon after this they began to fall out with the sixty under clerks, and pretended to remove them at pleasure, being their substitutes, for whom they were to answer, as masters turn servants away whom they can trust no longer. The sixty, on the other side, stood upon it that they bought and paid for their seats, and were sworn into their places, and however they were subject and accountable to the six, they were not at their mercy to be removed without the authority of the court. The six thought fit to put in practice their own authority, and began with one Sewel, a clerk, one of the sixty, and ordered him out of his seat, and as I remember, gave it to another. This produced a petition of this Sewel to his Lordship, praying to be restored, and the rest of the sixty confirmed in their places, of which decree the justice is unexceptionable. It is no wonder that the six were infinitely disgusted; for if they had any bad design, as it seems plain they had, of adding sixty to their six, they had their reward. I am firmly persuaded that his Lord-

ship knew nothing of it till the cause upon the petition came before him; and if he had known of it before, he had not accepted their kindness, and that afterwards he repented him of it. And of all the actions of his life this came nearest to a colorable misconstruction. Nay, there is no other capable of any, and, I guess, that although I have here related it undisguised, and out of my personal knowledge, many will incline to take it in the worse sense, as being a plain bribe, though the consequence flies in the face of it, and for that reason many would have left out this whole passage, so singular as it is; but professing, as I do, to render every action of his Lordship conspicuous, I could not acquit myself to deal so with this, which would have manifestly tainted all I have showed for his Lordship's advantage." (*Life of Lord Guildford*, vol. ii., p. 246.)

"The execrable Jefferies was as corrupt as he was cruel, and is said to have received so large a bribe as fourteen thousand five hundred pounds from one individual whose life was in danger." (*Lives of the Chancellors*, vol. i., p. 83.) So general, indeed, was the practice of judicial corruption in the reign of Charles II., that a member of the House of Commons (Mr. Booth, afterwards Lord Delamere), in moving that certain judges should be impeached, thus expressed himself: "Our Judges have been very corrupt and lordly; taking bribes, and threatening juries and evidence, perverting the law to the highest degree, turning it upside down, that arbitrary power may come in upon their shoulders. The cry of their unjust dealings is great, for every man has felt their hand." (*Lord Delamere's Works*.)

At the commencement of the last century the very corrupt practice which had obtained in the Court of Chancery, and which we have already noticed in the anecdote respecting Lord Guilford, was abolished by

Lord Chancellor Cowper. It had been usual, since Lord Ellesmere's time (James I.), for the gentlemen of the bar to make a new year's gift to the Lord Chancellor, and latterly this gift had been presented in the shape of money. Lord Bacon in his confessions, generally styles the sum of money which he received, "New Year's Gifts." Lord Cowper, on accepting the seals, not only strictly enjoined the officers of the court to discharge their duties without receiving any extra fees on pain of being cashiered ; but likewise put an end to the custom of new year's gifts. The amount of these presents, according to Burnet, was one thousand five hundred pounds a year.

It is observable, that a practice very similar to the one above mentioned has obtained at various times and in various countries. The Athenian magistrates, according to Plutarch, were authorized to require a remuneration from the suitors of their courts. And in Rome by a law of Justinian, certain inferior magistrates were allowed to receive presents of a fixed amount from their suitors. The following is the account given by Mr. Butler, of a similar practice which existed at one time in France :

"To secure to the judges the proportion which the suitors were to contribute towards the expense of justice, it was provided by an ordonnance of St. Louis, that at the commencement of a suit, each party should deposit in court the amount of one tenth part of property in dispute ; that the tenth paid by the unsuccessful party should be paid over to the judges on their passing sentence, and that the tenth of the successful party be returned to him. This was varied by subsequent ordonnances ; insensibly it became a custom of the successful party to wait upon the judges after the sentence was passed, and as an acknowledgment of their atten-

tion to the cause, to present them with a box of sweetmeats, which were then called *epiçes* or spices: by degrees this custom became a legal perquisite of the judges; it was converted into a present of money, and the payment of it required by the judges before the cause came to a hearing. 'Non deliberentur donec solventur species,' say some of the ancient registers of the Parliaments of France. The practice was afterwards abolished, the amount of the *epiçes* was regulated, and in many cases the taking of them was forbidden. Speaking generally, they were not payable till final judgment; and, if the matter were not heard in court, but referred to a judge for him to hear and report his decision upon it to the court, he was entitled to the whole of the *epiçes*, and the other judges were entitled to no part of them. Those among the magistrates who were most punctual, and diligent in their attendance in court, and the discharge of their duty, had most causes referred to them, and were therefore richest in *epiçes*; but the superior amount of them, however it might prove their superior exertions, added little to their fortune, as in the whole year it did not often exceed fifty pounds, and never one hundred pounds. The judges had some other perquisites, and also some remuneration from government; but the amount of perquisites, and remuneration of any judge, excepting those of the Presidents, amounted to little more than the *epiçes*. The Presidents of the Parliament had a higher remuneration, but the price which they paid for their offices was proportionately higher, and the whole sum received by any judge for his *epiçes*, perquisites and other remunerations, fell short of the interest of the money which he had paid for his charge; so that virtually the French judges administered the justice not only without salary, but even with pecuniary loss. Their real remuneration was



the rank and consideration which their office gave them in society, and the respect and regard of their fellow citizens. How well does this illustrate Montesquieu's aphorism that the principal of the French Monarchy was honor! It may be truly said, that the word has not produced a more learned, enlightened, or honorable order of men than the French Magistracy."—*Reminiscences*, p. 38.

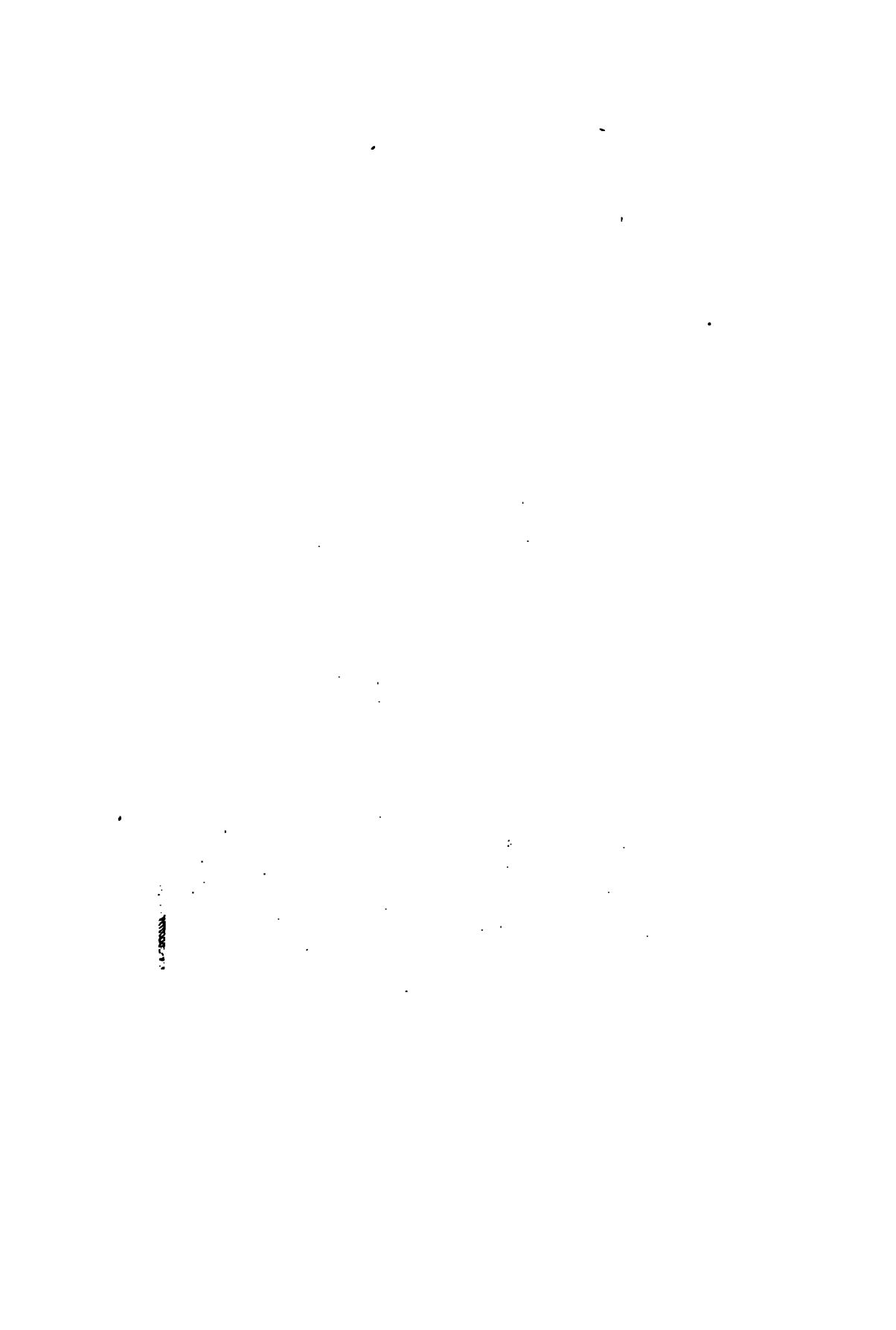
The latest instance of a charge of corruption preferred against an English Judge is to be found in the case of the Earl of Macclesfield, Lord Chancellor, who was impeached of certain high crimes and misdemeanors in the year 1725. The principal charges against him were for receiving large sums of money from persons whom he appointed Masters in Chancery—charges against which the Earl attempted to defend himself by asserting "that the same had long been used and practiced in the time of his predecessors, and that such presents had been reckoned amongst the ancient and known perquisites of the Great Seal, and the making and accepting thereof had been notorious to all the world, and never before looked upon to be criminal, or complained of as such." "And the said Earl humbly hopes that the giving or receiving of a present on such occasions is not criminal in itself, or by the common law of this realm, and that there is not any act of Parliament whatsoever by which the same is made criminal, or subject to any punishment of judgment, which can be prayed in this prosecution: and the said Earl thinks himself obliged humbly to lay this before your Lordships, not only in his own defense, but in vindication of the honor of so many great and excellent men who have been his predecessors in the said office, and have all along done the same for which the said Earl is now com-





THE LORD CHANCELLOR IN HIS ROBES.





plained of, and of others, having been Lord Chief Justices of the King's Bench and Common Pleas, Masters of the Rolls, and other Judges, who have likewise received presents in money, upon the admission of several and respective officers under them, in several courts of justice, and who, the said Earl is assured, never apprehended themselves to be guilty of any crime against any of the good and wholesome laws of the realm."

The Lord Chancellor was, notwithstanding the practice of his "many great and excellent predecessors," found guilty, and fined in the sum of thirty thousand pounds. (*State Trials*, vol. xvi.)

It cannot be supposed that, when the great officers of justice manifested so corrupt a spirit, inferior magistrates should be more pure; and accordingly we find a very indifferent character of the justices of the peace given by Sir Nicholas Bacon, in a speech which he delivered, as Lord Keeper, in the reign of Elizabeth (1571): "Were it possible," says he, "trow you, that if justices, being dispersed throughout the whole realm as they be, did carefully and diligently endeavor themselves, according to the trust committed to them by their sovereign, duly and truly to execute their charge, as they be bound by their oath to God, and by their allegiance to their sovereign, and by duty to their natural country, and, rightly considered, by the love they should bear to themselves and posterity (for if their country do not well, they will fare but ill-favoredly)—were it possible, I say, if this were so done, that laws should be thus remissly and negligently executed? No, doubtless. Is it not (trow you) a monstrous disguising to have a justice a maintainer; to have him, that by his oath and duty should set forth justice and right, against his oath offer injury and wrong; to have him that is specially chosen amongst

a number by a prince to appease all brawlings and controversies, to be a server and maintainer of strife and sedition, by swaying and leading of juries according to his will, acquitting some for gain, indicting others for malice, bearing with them as his servant or friend, overthrowing others as his enemy; procuring the questmonger to be of his living, or otherwise in his danger; that his winks, frownings and countenances may direct all inquests? Surely, surely, there be they that be subverters of all good laws and orders, yea, that make daily the laws, which of their nature be good, to become instruments of all injuries and mischief." — *D'Ewes's Journal*, p. 153.

We have another character of a justice of the peace, in the same reign, given by Mr. Gascock, a member of the House of Commons:

"A justice of the peace is a living creature, that for a half dozen of chickens will dispense with a whole dozen of penal statutes. We search and ingross the retail. These be the basket justices, of whom the tale may be verified of a justice that I know, to whom one of his poor neighbors coming, said, 'Sir, I am highly rated in the subsidy book; I beseech you to help me.' To whom he answered, 'I know thee not.' 'Not me, sir,' quoth the countryman; 'why, your worship had my team and oxen such a day, and I have ever been at your worship's service.' 'Have you so?' quoth the justice; 'I never remembered I had any such matter, no, not a sheep's tail.' So, unless you offer sacrifice to the idol justices, of sheep or oxen, they know you not. If a warrant come from the Lords of the Council to levy a hundred men, he will levy two hundred; and what with chopping in and shutting out, he'll gain a hundred pounds by the bargain. Nay, if he be to send out a warrant upon a man's

request, to have any fetched in on suspicion of felony, or the like, he will write the warrant himself, and you must put two shillings in his pocket as his clerk's fee (when, God knows, he kept but two or three hinds), for his better maintenance."—*D'Ewes's Journal*, 661.

The justice who "misuses the King's press so damnably," will remind the reader of the scene in *Henry IV.*, where "Robert Shallow, a poor esquire of the county, and one of the King's justices of the peace," allows Sir John Falstaff to traffic in a similar manner.

"*Fal.* Come, sir, which men shall I have?

"*Shal.* Four, of which you please.

"*Bard.* Sir, a word with you. I have three pounds to free Mouldy and Bullcalf.

"*Fal.* Go to, well.

"*Shal.* Come, Sir John, which four will you have?

"*Fal.* Do you choose for me.

"*Shal.* Marry, then, Mouldy, Bullcalf; Feeble and Shadow.

"*Fal.* Mouldy and Bullcalf! For you, Mouldy, stay at home still; you are past service. And for your part, Bullcalf, grow until you come unto it; I will none of you."

In the earliest periods of our history, to provide for due execution of the law, and to repress the corruption of its ministers, was a task which the legislature was frequently called upon to reform. Thus, in the year 1572, a proposal was made by Sir Nicholas Bacon, the Lord Keeper, for the appointment of a commission to inquire into the administration of justice. "I mean that the Queen's Majesty should make choice, every second or third year, of certain expert and approved persons, to whom a commission should be granted to try out and



examine, by all ways and means, the offenses of all such as have not seen to the execution of the laws according to the offices and charges committed to them by the Prince, and the offenses so found and certified to be sharply punished, without remission or redemption. Of effect much like this, and to the like end, was the visitation of the church first devised, whereof, in the beginning of it, came great good, doubtless; and reason I see none, but the like good ought to follow upon like visitation made upon temporal affairs. And the old commission of oyer tended somewhat to this end. I doubt, certainly, if the laws and statutes of this realm should not indifferently, uprightly and diligently be put in execution (as my trust is they shall), especially in the great and open courts of this realm. Then my burden, I confess, is equal with the greatest, yet, for my part, I would gladly, every year, hear of and yield to such a controller."—*D'Ewes's Journal*, p. 194,

At the present day we have a much surer guard against the speculation and corruption of the officers of justice than any legislative enactment could bestow—the force of public opinion and the power of a free press. Were it even possible that a suitor could be found bold enough to proffer a bribe to any of our judges, the universal disgrace and odium which would attach to the receiver of it is a sufficient safeguard against such a practice, without considering the moral character and integrity of the individuals who now preside over our courts of justice.

The following admirable *jeu d'esprit* is, perhaps, too well known to require its republication; but its humor and wit will not allow us to omit it. It is probably the sole composition of Mr. Fortescue Aland, the friend of

Pope, afterwards one of the Puisne Judges of the Common Pleas and Master of the Rolls:

STRADLING *vs.* STILES.

Le report del case argue en le commen banke devant tous les justices de mesme, en le banke en le quart an du raygue de Roy Jacques, entre Matthew Stradling, Plant. et Peter Stiles, Def. en un action action propter certos equos coloratos, anglicé, pied horses port. per le dit Mathew vers le dit Peter.

*Le recital del Case.*—"Sir John Swale, of Swale Hall, in Swale Dale fast by the river Swale, Kt., made his last will and testament. In which among other bequests was this, viz.: Out of the kind love and respect that I bear unto my much honored and good friend, Mr. Matthew Stradling, gent., I do bequeath unto the said Matthew Stradling, gent., all my black and white horses.

"The testator had six black horses, six white horses, and six pied horses.

*Le Point.*—"The debate, therefore, was, whether or no the said Mathew Stradling should have the said pied horses by virtue of said bequest.

*Pour le Ple.*—"Atkins apprentice pour le pl. Moy semble que le pl. recovers. And first of all it seemeth expedient to consider what is the nature of horses, and also what is the nature of colours, and so the argument will consequently divide itself in a two-fold way, that is to say, the formal part, and the substantial part. Horses are the substantial part, or thing bequeathed; black and white the formal or descriptive part.

"Horse, in a physical sense, doth import a certain quadruped or four-footed animal, which, by the apt and regular disposition of certain proper and convenient parts, is adapted, fitted, and constituted for the use and

need of man. Yea, so necessary and conducive was this animal conceived to be to the behoof of the commonweal, that sundry and divers acts of Parliament have from time to time been made in favor of horses. 1st Edw. VI. makes the transporting of horses out of the kingdom, no less a penalty than the forfeiture of forty pounds; 2nd and 3rd of Edw. VI. takes from horse-stealers the benefit of their clergy.

“And the statutes of the 27th and 32nd of Hen. VIII. condescend so far as to take care of this very breed. These our wise ancestors prudently foreseeing, that they could no better take care of their own posterity, than by also taking care of that of their horses.

“And of so great esteem are horses in the eye of her common law, that when any Knight of the Bath committeth any great and enormous crime, his punishment is to have his spurs chopt off with a cleaver, being, as Master Bracton well observeth, unworthy to ride on a horse. Littleton, sec. 315, saith, ‘If tenants in common make a lease reserving for rent a horse, they shall have but one assize, because, saith the book, the law will not suffer a horse to be severed. Another argument of what high estimation the law maketh of a horse.

“But as the great difference seemeth not to be so much touching the substantial part, horses, let us proceed to the formal or descriptive part, viz. what horses they are that come within this bequest.

“Colours are commonly of various kinds, and different sorts; of which white and black are the two extremes, and consequently comprehend within them all other colours whatsoever.

“By a bequest therefore, of black and white horses, grey or pied horses may well pass, for when two extremes, or remotest ends, of any thing are devised, the

law by common intendment will intend whatsoever is contained between them to be devised also.

“ But the present case is still stronger, coming not only within the intendment, but also the very letter of the words. By the word black, all the horses that are black are devised ; by the word white, are devised those that are white, and by the same word, with the conjunction copulative, and, between them, the horses that are black and white, that is to say, pied, are also. Whatever is black and white is pied ; ergo, black and white is pied, and, vice versâ, pied is black and white.

“ If, therefore, black and white horses are devised, pied horses shall pass by such devise, but black and white horses are devised ; ergo, the pl. shall have the pied horses.

*Pour le Defend.*—“ Catlyne Sergeant. Moy semble al contrary, the plaintiff shall not have the pied horses by intendment ; for if by the devise of black and white horses, not only black and white horses, but horses of any colours between these two extremes may pass, then not only pied and grey horses, but also red or bay horses would pass likewise ; which would be absurd, and against reason. And this is another strong argument in law, *Nihil quod est contra rationem, est licitum* ; for *nemo nascitur artifex*, and legal reason est *summa ratio* ; and therefore if all the reason that is dispersed into so many different heads, were united into one, he could not make such a law as the law of England, because by many successions of ages it has been fixed and refixed by grave and learned men ; so that the whole rule may be verified in it, *Neminem oportet esse legibus sapientiorum*.

“ As therefore, pied horses do not come within the intendment of the bequest, so neither do they within the letter of the words.

“A pied horse is not a white horse, neither is a pied a black horse; how, then, can pied horses come under the words of black and white horses?”

“Besides, where custom hath adapted a certain determinate name for any one thing, in all devises, feofments, and grants, that certain name shall be made use of, and no uncertain circumlocutory descriptions shall be allowed, for certainty is the father of right, and the mother of justice.

“Le rest del argument jeo ne pouvois oyer, car jeo fui disturb en mon place.

“Le court fuit longement en doubt de cest matter et apres grand deliberation eu, judgment fuit doun pour le pl. nisi causa. Motion in arrest of judgment. That the pied horses were mares; and thereupon an inspection was prayed: Et sur ceo le court advisare vult.”

“A notorious rogue being brought to the Bar, and knowing his case to be desperate, instead of pleading, he took to himself the liberty of jesting, and thus said, ‘I charge you in the king’s name, to seize and take away that man’ (meaning the judge) ‘in the red gown, for I go in danger of my life, because of him!’”—*Bacon’s Apothegms.*

## CHAPTER IX.

THE practice of browbeating witnesses, and vituperating the opposite parties in a cause, is, as I have before stated, carried to a most unseemly length in our courts of law. I have often wondered that the presiding judges should sit silently on the bench, while so scandalous a scene is passing before their eyes. In the case of the parties who are vituperated, there is no redress. They are not allowed to defend themselves in court, nor can they, however coarse and libelous the attack, proceed by an action at law against their long-robed traducer. It is, therefore, to say the least on the subject, unmanly on the part of counsel to go out of their way to vituperate and vilify parties whose mouths are shut and whose hands are tied; and it is wrong in the presiding judge to suffer such unbecoming things to be done in court. As regards the browbeating of witnesses, there can be no question, that instead of promoting the ends of justice, such a course often defeats them. It would appear that the abusive and browbeating system is by no means a novelty in the profession. It seems to have flourished in great vigor so far back as the days of Sir Walter Raleigh. D'Israeli, in the second series of his "*Curiosities of Literature*," gives an account of the way in which that distinguished man was abused and traduced by no less a personage than Sir Edward Coke himself, who was, at the time of Sir Walter's trial, Attorney General. The remarks with which D'Israeli prefaces his specimens of Coke's abuse of Sir Walter, are worthy of quotation, as well as the specimens them-

selves. He says, speaking of Coke, "This great lawyer, perhaps, set the example of that style of raillery and invective at our bar, which the egotism and craven insolence of some of our lawyers include in their practice at the bar. It may be useful to bring to recollection Coke's vituperative style in the following dialogue, so beautiful in its contrast with that of the great victim before him. The Attorney General had not sufficient evidence to bring the obscure conspiracy home to Raleigh, with which, however, I believe, he had cautiously tampered. But Coke well knew that James the First had reason to dislike the hero of his age, who was early engaged against the Scottish interests, and betrayed by the ambidexterous policy of Cecil. Coke struck at Raleigh as a sacrifice to his own political ambition, as we have seen he afterwards immolated his daughter; but his personal hatred was now sharpened by the fine genius and elegant literature of the man; faculties and acquisitions the lawyers so heartily contemned."

D'Israeli, after these prefatory observations, proceeds to give some specimens of the vituperation which Coke heaped upon Raleigh, in the following dialogue between the parties. Coke having previously observed to the court that he knew with whom he had to deal—that he had "to deal to-day with a man of wit"—turned himself towards Sir Walter, and said, "Thou art the most vile and execrable traitor that ever lived."

"*Raleigh.* You speak indiscreetly, barbarously, and uncivilly."

"*Coke.* I want words sufficiently to express thy viperous treason."

"*Raleigh.* I think you want words, indeed; for you have spoken one thing half-a-dozen times."

"*Coke.* Thou art an odious fellow; thy name is hateful to all the realm of England for thy pride."

"*Raleigh*. It will go near to prove a measuring cast between you and me, Mr. Attorney."

"*Coke*. Well, I will now make it appear to the world that there never lived a viler viper upon the face of the earth than thou. Thou art a monster; thou hast an English face, but a Spanish heart. Thou viper! for I *thou'* thee, thou traitor! Have I angered you?"

"*Raleigh*," observes D'Israeli, "replied, what his dauntless conduct proved—'I am in no case to be angry.'"

But Raleigh was not the only great man who was thus abused by Coke. The Earl of Essex was subjected to similar treatment at his hands. So also was no less a man than the illustrious Lord Bacon himself. That the vituperation which Coke heaped on Bacon must have been of the worst and coarsest kind, may be inferred from the fact that Bacon has left among his memorandums one in the following terms:—"Of the abuse received of Mr. Attorney General publicly in the Court of Exchequer."

Smollett, the celebrated novelist, was also subjected to the virulent vituperation of one of the long-robed gentlemen of his day. Smollett, it appears, had been tried in the Court of King's Bench for an assault he had committed on a person named Peter Gordon, who rewarded the greatest kindness and generosity on the part of the novelist, not only by ingratitude but insult. Mr. Hume Campbell acted on the occasion of Smollett's trial, as the counsel of Peter Gordon, and true to the abusive instinct with which, it is said, he was largely endowed, vilified the defendant in the grossest manner. What the nature of the vituperation was which the latter received at the hands of the said Mr. Hume

<sup>1</sup> This, I suppose, meant that Coke was addressing Raleigh in the most contemptuous manner he could adopt.



Campbell, and how sensibly he smarted under it, may be inferred from the following passages from a letter which Smollet wrote to his "learned" vilifier, some days after his trial:

"SIR—I have waited several days in hopes of receiving from you an acknowledgment touching those harsh, unjustifiable, and (let me add,) unmannerly, expressions which you annexed to my name, in the Court of King's Bench, when you opened the cause depending between me and Peter Gordon; and as I do not find that you have discovered the least inclination to retract what you said to my prejudice, I have taken this method to refresh your memory, and to demand such satisfaction as a gentleman injured as I am has a right to claim.

"The business of a counselor is, I apprehend, to investigate the truth in behalf of his client; but surely he has no privilege to blacken and asperse the character of the other party, without any regard to veracity or decorum. That you assumed this unwarrantable privilege in commenting upon your brief, I believe you will not pretend to deny, when I remind you of those peculiar flowers of elocution which you poured forth on that notable occasion. First of all, in order to inspire the court with horror and contempt for the defendant, you gave the jury to understand that you did not know this Dr. Smollett; and, indeed, his character appeared in such a light from the facts contained in your brief, that you never should desire to know him. I should be glad to learn of what consequence it could be to the cause, whether you did or did not know the defendant, or whether you had or had not an inclination to be acquainted with him? Sir, this was a pitiful personality, calculated to depreciate the character of a gentleman to whom you were a stranger, merely to gratify the rancor and malice of an abandoned fellow who had feed you to

speaking in his cause. Did I ever seek your acquaintance, or court your protection? I had been informed, indeed, that you were a lawyer of some reputation, and, when the suit commenced, would have retained you for that reason, had I not been anticipated by the plaintiff; but, far from coveting your acquaintance, I never dreamed of exchanging a word with you on that or any other subject; you might therefore have spared your invidious declaration, until I had put it in your power to mortify me with a repulse, which, upon my honor, would never have been the case, were you a much greater man than you really are. Yet this was not the only expedient you used to prepossess the jury against me. You were hardy enough to represent me as a person devoid of all humanity and remorse; as a barbarous ruffian, who in a cowardly manner had, with two associates as barbarous as myself, called a peaceable gentleman out of his lodgings, and assaulted him in the dark, with intent to murder. Such a horrid imputation, publicly fixed upon a person whose innocence you could hardly miss to know, is an outrage, for which, I believe, I might find reparation from the law itself, notwithstanding your artful manner of qualifying the expression, by saying, provided the facts can be proved. This low subterfuge may, for aught I know, screen you from a prosecution at law, but can never acquit you in that court which every man of honor holds in his own breast. I say, you must have known my innocence, from the weakness of the evidence which you produced, and with which you either were or ought to have been previously acquainted; as well as from my general character and that of my antagonist, which it was your duty to have learned. I will venture to say, you did know my character, and in your heart believed me incapable of such brutality as you laid to my charge. Surely, I do not overrate my

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own importance in affirming, that I am not so obscure in life as to have escaped the notice of Mr. Hume Campbell; and I will be bold enough to challenge him and the whole world to prove one instance in which my integrity was called, or at least left, in question. Have not I therefore reason to suppose that, in spite of your own internal conviction, you undertook the cause of a wretch, whose ingratitude, villany and rancor are, I firmly believe, without example in the kingdom; that you magnified a slight correction bestowed by his benefactor, in consequence of the most insolent provocation, into a deliberate and malicious scheme of assassination; and endeavored, with all the virulence of defamation, to destroy the character, and even the life, of an injured person, who, as well as yourself, is a gentleman by birth, education, and profession? In favor of whom, and in consequence of what, was all this zeal manifested, all this slander exhausted, and all this scurrility discharged? Your client, whom you dignified with the title of Esquire, and endeavored to raise to the same footing with me in point of station and character, you knew to be an abject miscreant, whom my compassion and humanity had lifted from the most deplorable scenes of distress; whom I had saved from imprisonment and ruin; whom I had clothed and fed for a series of years; whom I had occasionally assisted with my purse, credit, and influence.

“After having sounded the trumpet of obloquy in your preamble, and tortured every circumstance of the plaintiff’s evidence to my detriment and dishonor, you attempted to subject me to the ridicule of the court, by asking a question of my first witness, which had no more relation to the cause than if you had desired to know the name of his grandmother. What title had you to ask of a tradesman, if he knew me to be an author?

What affinity had this question with the circumstances of the assault? Was not this foreign to the purpose? Was it not impertinent, and proposed with a view to put me out of countenance, and to raise the laugh of the spectators at my expense? There, indeed, you were disappointed, as you frequently are, in those little digressive efforts by which you make yourself remarkable. Though I do not pretend to possess that superlative degree of effrontery by which some people make a figure at the bar, I have assurance enough to stand the mention of my works without blushing, especially when I despise the taste, and scorn the principles, of him who would turn them to my disgrace. You succeeded, however, in one particular; I mean, in raising the indignation of my witness; of which you took all imaginable advantage, puzzling, perplexing, and browbeating him with such artifice, eagerness, and insult, as overwhelmed him with confusion, and had well-nigh deprived me of his evidence.

“Your whole behavior to me was equally insolent and unjust: for, granting that you had really supposed me guilty of an intended assassination, before the trial began; you saw me in the course of evidence acquitted of that suspicion, and heard the judge insist upon my innocence in his charge to the jury, who brought in their verdict accordingly. Then, sir, you ought in common justice, to have owned yourself mistaken, or to have taken some opportunity of expressing your concern for what you had said to my disadvantage; though even such an acknowledgment would not have been a sufficient reparation; because, before my witnesses were called, many persons left the court with impressions to my prejudice, conceived from the calumnies which they heard you espouse and encourage. On the whole, you opened the trial with such hyperbolic impetuosity,

and conducted it with such particular bitterness and rancor, that everybody perceived you were more than ordinarily interested; and I could not divine the mysterious bond of union that attached you to Peter Gordon, Esq., until you furnished me with a key to the whole secret, by that strong emphasis with which you pronounced the words Ferdinand Count Fathom. Then I discovered the source of your good-will towards me, which is no other than the history of a law-suit inserted in that performance, where the author takes occasion to observe, that the counsel behaved like men of consummate abilities in their profession; exerting themselves with equal industry, eloquence, and erudition, in their endeavors to perplex the truth, browbeat the evidence, puzzle the judge, and mislead the jury. Did any part of this character come home to your own conscience; or did you resent it as a sarcasm leveled at the whole bar without distinction? I take it for granted, this must have been the origin of your enmity to me: because I can recollect no other circumstance in my conduct, by which I could incur the displeasure of a man whom I scarce knew by sight, and with whom I never had the least dispute, or indeed concern. If this was the case, you pay a very scurvy compliment to your own integrity by fathering a character which is not applicable to any honest man, and give the world a handle to believe, that our courts of justice stand greatly in need of reformation. Indeed the petulance, license, and buffoonery of some lawyers in the exercise of their function, is a reproach upon decency and a scandal to the nation; and it is surprising that the judge, who represents his majesty's person, should suffer such insults upon the dignity of the place. But, whatever liberties of this kind are granted to the counsel, no sort of freedom, it seems, must be allowed to the evidence, who, by

the bye, are of much more consequence to the cause. You will take upon you to divert the audience at the expense of a witness, by impertinent allusions to some parts of his private character and affairs; but if he pretends to retort the joke, you insult, abuse, and bellow against him as an impudent fellow, who fails in his respect to the court. It was in this manner you behaved to my first witness, whom you first provoked into a passion by injurious insinuations; then you took an advantage of the confusion which you had entailed upon him; and, lastly, you insulted him as a person who had shuffled in his evidence. This might have been an irreparable injury to the character of a tradesman, had he not been luckily known to the whole jury, and many other persons in court, as a man of unquestionable probity and credit. Sir, a witness has as good a title as you have to the protection of the court, and ought to have more, because evidence is absolutely necessary for the investigation of truth, whereas the aim of a lawyer is often to involve it in doubt and obscurity. Is it for this purpose you so frequently deviate from the point, and endeavor to raise the mirth of the audience with flat jokes and insipid similes? or, have you really so miserably mistaken your own talents, as to set up for the character of a man of humor? For my own part, were I disposed to be merry, I should never desire a more pregnant subject of ridicule than your own appearance and behavior; but, as I am at present in a very serious mood, I shall content myself with demanding adequate reparation for the injurious treatment I have received at your hands; otherwise I will in four days put this letter in the press, and you shall hear in another manner—not from a ruffian and an assassin—but from an injured gentleman, who is not ashamed of subscribing himself, &c."

This extract is long, but it is interesting both from the popularity of the writer, and from the justice of its observations. The picture which Dr. Smollett has here so emphatically drawn of the proceedings in the courts of justice in his day, is one which is unfortunately still too common; though it must certainly be admitted, that great as is the extent to which the browbeating system is still carried on in our courts of law, we are not so bad in this respect as our ancestors were. No counsel, I believe, even had he the disposition, would be suffered to apostrophize any party to a trial in the terms in which Coke addressed Sir Walter Raleigh. It is but justice also to a very considerable portion of the profession to say, that they not only disclaim in words the browbeating practice, but that they also discountenance it in their forensic exhibitions; and I have no doubt that in the course of time it will be abandoned altogether.

A respectable looking woman, forty-five years of age, and dressed in deep mourning, was once summoned to give evidence in a case before the court. Having ascended the witness-box, the counsel for the opposite party inquired, in stern accents, what was her age.

*Witness.* Forty-five, sir."

*Counsel.* Forty-five, eh?"

*Witness.* Yes, sir."

*Counsel.* That is a pretty advanced age for a woman, is it not?"

The witness held down her head as if confounded by the observation, and was silent.

*Counsel.* You have been married, madam, I understand?"

The tear gathered in the poor woman's eye, and for a few seconds she felt unable, from the crowd of mournful associations to which the word gave rise in her mind, to

answer the question. At last she faintly articulated—  
“I have.”

“*Counsel.* Come, speak up, madam; there must be no mum people here.”

The harsh manner in which this was spoken, not less than the words themselves, inflicted another deep wound on the susceptible feelings of the poor woman, and she again applied her handkerchief to her eyes.

“*Counsel.* And your husband, I believe, died a fortnight ago? Is it not so, Madam?”

The witness's feelings now completely overpowered her. She sobbed audibly, and was for some time unable to utter a word. When in this state, and while, I am convinced, there was not a stranger in the court whose heart did not feel most deeply for the poor woman, the counsel, addressing her in the harshest conceivable manner, said, “Come, Madame, away with your tears; you are not come here to blubber, but to give evidence.”

Were any person to exhibit such barbarity of feeling in private society, or in any other place than a court of law, I leave my readers to imagine in their own minds what would be the treatment he would receive from the parties present.

The counsel practicing at the Old Bailey are all eligible to plead in the courts of law at Westminster Hall. They seldom, however, appear in the latter place. When they do they sometimes come in shoals. At a trial which once took place in the Court of Common Pleas, there were several of the Old Bailey counsel. They are far less refined in their examinations and cross-examinations of witnesses, than the counsel who practice in the courts of law. Towards the end of last year, or the beginning of the present, I am not sure which, some very coarse specimens of this kind were exhibited in the



course of a trial in which Morison, the Hygeist, was the plaintiff, and in which the merits of the case chiefly turned on the medicinal qualities of his pills.

I have repeatedly seen counsel in our courts of law, who were attempting to be very witty at the expense of some adverse witness, get the laugh completely turned on themselves, by the happy retorts of the party under cross-examination.

In the spring of the present year a very amusing instance of this occurred. A clownish looking young man, about twenty years of age, who, judging from his appearance, one would have supposed had not two ideas in his head, was put in the witness-box. The counsel for the prosecution, by whom he had been called, having asked him a few questions, all of which he satisfactorily and promptly answered, the counsel for the defense rose with an air of self-importance, and pulling up his gown on his shoulder, said—"Now, sir, I have got a few questions to ask you."

"Werry good," said the witness dryly.

"*Counsel.* I suppose, sir, you know the prosecutor very well?"

"*Witness* (hesitatingly). Vy yes, I *does* know him."

"*Counsel.* But I mean intimately."

The witness was silent.

"*Counsel.* Come, sir, answer my question. Do you not know the prosecutor very intimately?"

"*Witness.* Not *werry* intimately."

"*Counsel.* Do you mean to say, sir, that you" ——

"Vy," interrupted the witness with great seeming simplicity, and amidst shouts of laughter from all present; "Vy I don't vish to say anything at all about it, if you'd only hold your own tongue."

"*Counsel.* Come, sir, don't be impertinent."

"*Witness.* I doesn't know vat that ere word means."

"*Counsel.* No, and I daresay you never heard of Chesterfield either."

"*Witness.* Never; I ne'er heard on 'em, sir."  
(Laughter.)

"*Counsel.* I can well believe that. Come, tell me then, if you ever heard of the prosecutor's daughter."

"*Witness* (hesitatingly). The prosecutor's daughter?"

"*Counsel.* Ay, the prosecutor's daughter."

"*Witness.* Vich of them do you mean?"

"*Counsel.* What, has he got so many of them?"

"*Witness.* O, lots of 'em, sir." (Loud laughter.)

"*Counsel.* Well, I mean the one that you're in love with."

"*Witness* (with great archness of manner). Vich of them is that?"

"*Counsel.* O, you know that best yourself."

"*Witness.* Vell, if I do, I don't mean to be tellin' it to every one." (Renewed laughter.)

"*Counsel* (speaking in rather a low tone of voice). Come, sir, tell me and the court, whether you are not on the terms of marriage with the prosecutor's daughter."

The witness was silent.

"*Counsel.* Come, sir, answer the question. You were very prompt in your answers to my learned friend."

"*Witness.* Your '*learned friend*' spoke much louder than you do, sir."

It is impossible to convey by words any idea of the effect which this retort had on the court. The cutting sneer and bitter irony with which, without seeming to be aware of it, he pronounced the words "your learned friend," exceeded anything I have ever witnessed in the best acting of the best comedians of modern times. The judge could not restrain his laughter within reasonable bounds, but joined audibly in the universal shout;

while the poor counsel looked the very impersonation of chagrin.

Singularly enough, in the same court and on the same day, the laugh was equally turned against another counsel who was doing his best to be at once severe and witty at the expense of an adverse witness. The latter was one of the skin-and-bone class of persons, and by a curious coincidence so was the counsel. You could not look on either without coming to the conclusion that to partake of a substantial meal must be an era in their existence. "So, sir," says the counsel to the witness, in the regular browbeating style; "so, sir, you have been in the prosecutor's house?"

"*Witness.* I have."

"*Counsel.* Have you been often?"

"*Witness.* Sometimes." (A laugh.)

"*Counsel.* That, sir, is not an answer to my question. I ask, have you been in this person's house often?"

"*Witness* (with much archness of manner). I don't know what you mean by often."

"*Counsel.* Have you been twenty times?"

"*Witness.* I never kept 'count how many times."  
(Laughter.)

"*Counsel.* Come, sir, don't be rude. I ask you, have you been twenty times in this man's house?"

"*Witness.* I can't speak positively as to the number of times."

"*The Bench.* About the number of times; speaking according to the best of your belief?"

"*Witness* (with great readiness and politeness). I should think, my Lord, I have been in the prosecutor's house from fifteen to twenty times."

"*Counsel* (with great harshness of manner). So, sir, though you could not answer the question when put by

me, you found no difficult in answering it when put by his lordship."

"*Witness.* His lordship put" ——

"*Counsel* (interrupting witness). Stay a little if you please, sir."

"*Witness.* O, certainly; as long as you like; I'm in no particular hurry." (Loud laughter.)

"*Counsel.* Perhaps, sir, you would condescend to tell the court what your object was in going to the prosecutor's house?"

"*Witness.* The court has not asked me the question." (Renewed laughter.)

"*Counsel.* Don't be insolent, sir; I have asked you the question."

"*Witness.* Then I cannot answer you."

"*Counsel.* You *must* answer me, sir."

"*Witness.* I can't; for I often went without knowing the reason why." (Laughter.)

"*Counsel.* Can you inform us then about what particular hour you were in the habit of visiting his house?"

"*Witness* (looking towards the bench). Is it necessary that I should answer that question, my Lord?"

"*The Judge.* If you can, I do not see why you should not."

"*Counsel.* Come, sir; answer the question."

"*Witness.* I should suppose it generally was between one and two o'clock."

"*Counsel* (his countenance brightening up as if he had made some important discovery). O, I see; that was about the dinner-hour, was it not?"

"*Witness.* I never inquired what was the dinner-hour." (Laughter.)

"*Counsel.* Perhaps not; but I dare say your nose would be of some service in enabling you to ascertain it."

"*Witness.* My nose, sir, never asks any questions."  
(Loud laughter.)

"*Counsel* (his face coloring with confusion). "But though your nose does not speak, I dare say it has acquired considerable dexterity, from experience, at discovering when a good dinner is on the table of a friend and enabling you to regulate your visit accordingly."

"*Witness.* You must be judging of my nose by your own, sir." (Roars of laughter, in which the Bench joined.)

"*Counsel* (laboring to conceal his mortification). "You seem disposed to be very witty to-day, sir."

"*Witness.* I think *we* are, sir."

This sarcastic though only implied allusion to the efforts of the counsel to be witty, told with admirable effect.

"*Counsel.* You say that your favorite hour for visiting this man's house was between one and two o'clock."

"*Witness.* I never said anything of the kind."

"*Counsel* (pulling himself up). "What, sir, do you mean to deny what you have just said? Recollect, sir, you are on your oath."

"*Witness.* I said that that was generally about the time; but I never said anything about '*favorite hour.*'"

"*Counsel.* Well, sir; perhaps you would have no objection to tell us whether you were in the habit of partaking of the prosecutor's dinner when honoring him with your visits at the particular time you mention."

"*Witness.* I do not see what that has to do with the present case."

"*Counsel.* It's not what *you* see, sir. Pray, sir, answer me the question, whether you were in the habit of partaking of this man's dinner on such occasions?"

" *Witness.* Whether I partook of it or not, depended upon circumstances."

" *Counsel.* On what circumstances, sir."

" *Witness.* Why, on whether I was *asked* to partake of it or not." (Loud laughter.)

" *Counsel.* Yes, I dare say you never declined an invitation when you got one."

" *Witness* (with great emphasis). Never, sir. Never refuses a good dinner when I can get one." (Renewed laughter.)

" *Counsel.* Ay, I can well believe that. And I'm sure you would do the dinner of any friend ample justice."

" *Witness.* I always do my best, sir, on such occasions." (Loud laughter.)

" *Counsel.* I don't doubt it: you have always, I suppose, a good appetite and capacious stomach when at the table of a friend."

" *Witness.* Always, sir."

" *Counsel.* Ay, you look the very picture of a hungry fellow."

" *Witness.* Yes, sir; both of us look the picture of hungry fellows: we look as if we were kept on starvation allowance."

The walls of the court resounded again with the shouts of laughter which followed this severe retort, the effect of which was greatly heightened by the peculiar archness of manner in which it was made. The learned gentleman was completely crestfallen, and made no further efforts to be witty at the witness's expense.

Perhaps few judges ever more enjoyed anything ludicrous than did the late Baron Garrow. He was also remarkable for the ease and readiness with which he could adapt himself to the peculiarities of the different persons who were put into the witness-box. By that means he

elicited important facts from them, which the most ingenious examinations and cross-examinations of counsel had failed to bring out. A witness was seldom or ever a couple of minutes in the box after Baron Garrow began to speak to him, before he felt quite as much at home as if he had been over his tankard of ale with some of his boon companions. Witnesses, from whom nothing could be extracted when examined by others, were communicative in the highest degree to his lordship. With the present Mr. Justice Allan Park, witnesses often get very familiar, when he chances to be in a pleasant mood,—but he has not perhaps the tact or quick perception of human nature, to turn this unguarded familiarity to the utmost account as an administrator of justice. At the very last circuit Mr. Justice Park went, some amusing exemplifications were afforded, of the ease at which witnesses find themselves, when he is in a good humor. One was in the case of a woman, who was prosecuting a party, who had stolen something from her. In the course of the proceedings, Mr. Justice Park put a variety of questions to her, and accompanied them with those free-and-easy sort of observations, in which he is unrivalled on the bench. The plain, unsophisticated woman, became at last as much at home with the judge, as if she had been all the while speaking to her husband. The trial ended in a verdict for her. She was overjoyed at the circumstance, and in the plenitude of her exultation and simplicity, went up to the bench to Mr. Justice Park, extending her hand to him, with the view of shaking hands. The poor woman has ever since protested that no man could have “done the thing” better than his lordship did, and that she will always have him for judge in any future case, should she ever have one; though she had still a lingering ground of dissatisfaction

with him, because he was so uncivil as to refuse to shake hands with her.

In my sketches of counsel, I have repeatedly referred to the dexterity which they occasionally display on behalf of their clients. One of the most ingenious expedients I have ever heard mentioned, as resorted to by a counsel to obtain the acquittal of his client, occurred in the case of a barrister now in the East Indies. The story, as communicated to me, and which, it may be right to mention, I give without being able to pledge myself to its accuracy, is this: Some years ago a young man, respectably connected, was tried at one of our country assizes, on a charge of having stolen a quantity of linen. The result of the trial, it was clear, would depend entirely on whether the identity of the linen was or was not established; and there could be as little doubt, unless something extraordinary could be done for the prisoner by counsel, that the linen found in his possession would be identified as that which had been stolen from the prosecutor. In this emergency an idea occurred to the counsel. Having understood, some time before the trial was to come on, that the prosecutor, who kept a shop for the sale of linen, as well as other articles, had for sale a portion of the same web as the piece which had been stolen, he caused a friend to go and purchase a small quantity of it. This being done, he immediately caused it to be made into a shirt for himself, and with that shirt on his back he appeared at the trial. A person in the employ of the prosecutor having been put into the witness-box to prove that the stolen linen was the property of his master, gave his evidence in the most decided terms on the subject. The counsel for the prisoner subjected him to a severe cross-examination, but for some time there appeared no probability that anything would transpire which could in the least degree



invalidate his testimony in the estimation of the jury. The cross-examination, it was generally supposed in court, was about to be closed in despair of eliciting anything of importance from the witness, when the counsel observed, in something of a browbeating tone—"And so, sir, you are quite certain that this piece of linen was your master's property?"

"*Witness.* Quite certain of it, sir."

"*Counsel* (pulling himself up). Quite certain?"

"*Witness.* Perfectly so."

"*Counsel.* No doubt whatever?"

"*Witness.* Not the slightest, sir."

"*Counsel.* And pray, sir, by what extraordinary process have you come to this very positive knowledge?"

"*Witness.* I know the piece of linen, sir, to have been my employer's from its texture and quality, when I compare it with another piece of the same web which I now hold in my hand."

"*Counsel.* Do you mean to say, sir, that there was anything so very peculiar in the texture or quality of this web of linen, as that you could by that means at once distinguish it from all others?"

"*Witness.* I do say, that I know from the texture and quality of this linen, that it is my master's property."

"*Counsel.* Now, sir; take care what you say: remember you are on oath, and that you may afterwards hear something about the evidence you are giving this day in court. Again, sir, I ask, are you quite sure, judging from the quality and texture of this linen, that it is the piece your master had stolen from him?"

"*Witness.* I'm quite positive on the subject, sir."

"*Counsel.* Do you mean to say that it might not bear a very strong resemblance to it without being actually the piece itself?"

" *Witness.* I repeat again, sir, that it is the identical piece itself."

" *Counsel* (advancing to the witness-box, and unbuttoning his waistcoat). Well, sir, would you do me the favor to look at the breast of my shirt?"

" *Witness.* Certainly, sir."

Witness accordingly took hold of the breast of the learned gentleman's shirt, and applying his eye closely to it, examined it very carefully. As he withdrew himself from the examination, and presented himself again to the court, he colored and looked very much confused.

" *Counsel.* Well, sir, you have examined the linen of which my shirt is made?"

" *Witness* (with much less emphasis than before). Yes, sir."

" *Counsel.* And do you see any resemblance in its quality and texture to that of the piece stolen from your employer?"

" *Witness.* There is some resemblance, sir."

" *Counsel.* Only some! Is there not a great deal?"

" *Witness.* I should say there is a great deal."

" *Counsel.* Perhaps you would like to look at the texture and quality of my shirt a second time?"

" *Witness.* O not at all, sir; it is not necessary."

" *Counsel.* I think you had better; perhaps on a second inspection you may be able to discover a still stronger resemblance between the quality and texture of the two. Do just look a second time."

The witness again inspected the breast of the learned gentleman's shirt.

" *Counsel.* Well, sir, does the resemblance still seem as strong as on the first view?"

" *Witness.* It does, sir."

" *Counsel.* A little stronger, perhaps?"

“*Witness.* I should say it does appear fully as strong.”

“*Counsel.* Are you prepared, sir, to swear that my shirt is not of exactly the same texture and quality as the piece which the prisoner, my client, has been charged with having stolen?”

The witness hesitated, and again looked pale.

“*Counsel.* Ay, I don’t wonder that you hesitate and look confused. I again ask you—and remember, sir, that you are on your solemn oath—again I ask you, whether you are prepared to say, that there is any difference between the texture and quality of my shirt and the texture and quality of the piece of linen which the prisoner is accused of having stolen?”

“*Witness* (in a subdued tone, and with great manifest reluctance). I cannot say there is.”

“*Counsel* (assuming a most indignant air). And so, sir, you would have the hardihood to come here and take away, not only the character, but the life,<sup>1</sup> of the unfortunate young man at the bar, on your fancied superior knowledge of the identity—judging, too, only from the mere quality and texture of the article—of the piece which was stolen.”

The witness held down his head, and uttered not a word.

“And so, gentlemen,” turning to the jury; “and so, gentlemen, this is the way that innocent men often suffer from the ignorance of witnesses who have an overweening conceit of their own supposed superior knowledge. Is it necessary, gentlemen, that I should proceed further with this case? Or do you not think with me, that the witness, the only one called to speak to the question of identity, having so signally failed in the attempt to establish that identity,—it would only be an unneces-

<sup>1</sup> The offense was at that time capital.

sary waste of the time of the court, as well as of your own, gentlemen, to proceed one step further with the matter?"

The jury at once expressed their concurrence in the view of the case taken by the counsel for the prisoner, and in the next breath returned a verdict of acquittal.

I have adverted to the fact that many legal gentlemen sitting quite quietly, if not contentedly, day after day, and month after month, in court, without ever having their vision regaled with the sight of a single brief. There are others, again, who, though not briefless altogether, are within a few degrees of it. I know one learned gentleman whose business as a barrister is confined to one case. In that case he had been retained—if the word be not in the peculiar circumstances a misnomer—for several years past. He moved in it once every year, with the regularity of the seasons. His client, somehow or other, incurred the high displeasure of one of the courts, in consequence of doing something which was construed into a contempt of it. The party had for some years been suffering the penalty of that contempt in one of our prisons; and the duty of the learned gentleman was to move once a year for the liberation of his client, and to make the best speech he could in support of his motion. This he does with the greatest possible pomp and parade,—just as if he were the most distinguished lawyer of the age, and as if he had the largest practice in Westminster Hall. The other counsel are quite delighted as every revolving year brings round the great field-day. Whether the speech of the learned gentleman, as well as the case and his motion, be the same, I am not able to say; but the consequential way in which he goes to work, and the array of authorities with which he supports his argument, have procured for him, among his brethren of the bar,

the *sobriquet* of "the Learned Gentleman." I have often heard of men of one idea, and still more frequently of lawyers who never rejoiced in a brief; but this is the first time I have heard of a barrister with one, and only one case.

But even a speech once a year, if a good one, is not to be thought lightly of. In the course of the preceding sketches, I have had occasion to refer to instances in which men who for years had never had an opportunity of making a speech at all, because during all that time they had never been retained in any case,—have, by one happy forensic effort, paved the way for future eminence and success of the most distinguished kind. Need I again refer my readers, in illustration of this, to the case of Lord Eldon? Even out of doors a single speech has often led to most important results to the orator. There is now a well-known counsel, practicing in a certain court in London, but who is very seldom seen in Westminster Hall, who had been induced by mere accident to make a speech at a religious public meeting in a county town; and so great was the impression it made on the heart of a young lady who was present, that she became all at once enamored of the speaker. An introduction followed; and that was soon succeeded by the marriage of the gentleman to the fair admirer of his oratory and of himself; and as the lady had a large fortune, the case may be justly referred to as illustrative of the important results to which even a single speech may sometimes lead.

Lord Ellenborough had many peculiarities about him. He was particularly addicted to good-fellowship, and would spend night after night without going to bed at all, if he met with kindred spirits. How he managed to make himself acquainted with the merits of the cases

entrusted to him, when, after spending the whole day in court, he passed the whole night in boon-companionship, was the surprise of the whole bar, and yet no client ever had to complain of injustice being done to his case. The fact was only to be accounted for by the circumstance of his being a man of a singularly ready mind, conjoined with the possession of a most retentive memory. Some barristers still living, who knew him well, related various anecdotes illustrative of the alarm he sometimes caused to his clients, when they found that, for some days before their case was to be brought under the consideration of the court, he had been living in the way I have described. For one such anecdote, I am indebted to the appendix to a small poetical squib on the then leading counsel in Westminster Hall, published ten or twelve years since. "In a cause," says the writer, "of great importance and magnitude, which was tried at York, Mr. Sergeant Cockell was leading counsel for one of the parties. On the evening preceding the trial, a consultation was held at his lodgings, at which, to the great consternation of the attorney by whom he was retained, the learned sergeant was 'too far gone' to talk about business. The attorney was presently prepared to take his departure, under the impression that the case would inevitably be lost. 'It will be all right,' hiccupped the learned sergeant, as he observed the horror and despair which were depicted in the poor attorney's face; 'it will be all right to-morrow; leave it to me.' The attorney was confounded as to what course he ought to adopt. It was too late to employ another counsel, and professional etiquette, besides, forbade the idea. He was accordingly obliged to leave the case in Sergeant Cockell's hands, and to trust to chance. The latter sent for the junior counsel in the cause, and got from him the leading points in it. He then resumed

his debauch, and continued it to a late hour on the following morning. He then dipped a napkin into cold water, and tying it in its wet state round his head, threw himself down on his bed, when, having slept for two or three hours, he rose 'quite himself again.' When the court opened, he was ready with his usual good looks and presence of mind. He then went on with the cause, which lasted the whole day, and to the great surprise and satisfaction of the quaking attorney and his client, succeeded in getting a verdict; and it was remarked, that he never distinguished himself more than on that memorable occasion."

Though I have more than once alluded to the proverbial gravity of our judges, I have at the same time shown that there are several of those who now sit on the bench who are particularly partial to a pun, when they can either perpetrate one, or fancy they can do so. That Lord Abinger should avail himself of any opportunity which is presented to him of having his joke, will surprise no one who has seen his ever-smiling countenance; but it will surprise those who have seen the singularly serious aspect of Lord Eldon's face when presiding in the Court of Chancery, and who have, as almost every one has, associated in their own minds the most imperturbable gravity with the very constitution of his lordship,—to learn that no judge of his day displayed a more marked partiality towards anything witty, when it came from himself, than did that venerable and learned lord. He could not, however, endure the thought of any one else attempting a joke in the Court of Chancery. He seemed to fancy that if a smile was, for the sake of variety, to be indulged in there, he himself must be its author, in so far as regarded the cause. He could in this respect bear no rival near the throne. And it is but justice to Lord Eldon to say, that some

of his witticisms were rather happy. To this trait in his lordship's character I did not allude in my sketch of him, because I thought that the specimens of his wit or puns—for I really do not know which in this case is the best word—which I intended to give, might be introduced with greater propriety in the concluding chapter of the work, than in the sketch itself of the noble and learned lord. For the following specimens I am indebted to the appendix to the small poetical satire on the bar, to which I have before referred. It may be right to observe, that I give them without any other alteration than that of changing the phraseology in one or two instances, so as to make the parties speak in the first person. The first case related to an injunction moved for by a Mr. Metcalfe against a Mr. Thompson, for the invasion of the rights conferred by a patent. The case was brought before the court in the form of a motion for an injunction to restrain the defendant from selling brushes of the particular kind specified. But there is the case as it appears reported :

Plaintiff has a patent for hair brushes of a particular sort ; defendant was selling, without license, brushes of the same sort. No counsel appearing for the plaintiff, the Lord Chancellor observed—"The injunction must *be brushed off*, unless some counsel be soon here to support it."

Counsel for the plaintiff having immediately afterwards made his appearance, Sir Samuel Romilly, who was retained for the defendant, produced a brush, which had been used by a wig-maker for above twenty years, which was exactly the same as the patent brush.

*Lord Eldon.* "Is it a *fox's* brush."<sup>1</sup> (The owner of the brush was named Fox.)

<sup>1</sup> Punning, or rather the attempt to pun, is contagious. See how soon Mr. Treslove, who is still a Chancery barrister, was infected with the desire



*Sir Samuel Romilly.* "It is, my Lord."

*Lord Eldon.* "Show me the brushes."

Here four head-brushes, one long broom, one three-buckle brush, and three clothes-brushes, were handed up to his lordship. Nothing was heard but peals of laughter. The only two grave persons in the court were Messrs. Metcalfe and Thompson.

*Sir Samuel Romilly.* "Now, my Lord, ingenious as the construction of these patent brushes may be, your Lordship will find that it is exactly the same as this brush of my friend Fox, which has been used for thirty years."

*Lord Eldon.* "Hand me up this *old Fox's* wig; really this antique looks uncommonly well."

*Mr. Treslove.* "Your Lordship will see, by looking at it, that it is the same *to a hair* as the patentee's brush; only they look a little fresher."

*Lord Eldon.* "That is, Mr. *Tress-love*, because they are younger. I have examined this old brush, and I see it is a curiosity of the kind; but when you and I get as old, and our *tresses* have been well worn, we shall perhaps look as antique."

*Mr. Treslove.* "My Lord, I advised my client not to show his brush."

*Lord Eldon.* "Then I must say, that you being a *pursuer*, were *at fault* there; for if an injunction is granted by this court the article on which such an injunction is granted must be lodged with the Master. I remember, in a case of waste, that a person actually *fixed an oak-tree* to an affidavit he had made, to show the court of what nature the trees in question were."

The above humorous sallies of his lordship were to show off, his wit, after Lord Eldon had begun the thing. See also, in proof of what I have said of his Lordship's dislike to any rivalry in the accomplishment, if so it is to be called, of punning, how promptly he pounces on Mr. Treslove's name, and makes it the subject of his puns.

greeted with peals of laughter from the bar. It must be admitted that they were happy and well-sustained. Mr. Hood himself, indeed, would, I am sure, not be ashamed of some of them, if they had been his offspring. Another case came before the Court of Chancery several years ago, which afforded his lordship some good opportunities for indulging his punning propensities; and he availed himself of those opportunities with becoming readiness. To what account he turned them will be inferred from what follows. The case was brought at the instance of Messrs. Sherwood and Co., the well-known publishers in Paternoster Row, against Pierce Egan. It was in the shape of an injunction, to restrain the defendant from publishing an additional volume of a work called "The Boxiana."

When the motion was made, his Lordship observed—"I have often heard of boxers being in *Chancery*." (This is a phrase made use of when one of pugilists gets the head of his opponent fast under his left arm.)

Mr. Shadwell stated the case.

"*Lord Eldon*. Have you got any affidavit, or are you going upon what is called *the fancy*?"

"*Mr. Shadwell*. I have an affidavit, my Lord."

After some discussion his lordship, addressing himself to Mr. Egan, said—"Can you not alter your title-page?"

"*Mr. Egan*. I can, my Lord, and though the learned counsel has been very *striking* in his address, yet he will not be able, after all, to *make a hit*."

"*Lord Eldon*. Well, but I really think, Mr. Egan, that with a little alteration in your title-page, you may *hit* Mr. Shadwell fairly out of court."

These puns were all probably good, and excited a great deal of merriment in the court; but even had they been the worst it were possible to perpetrate, they

would have met with at least a *seemingly* gracious reception from the bar; for counsel make a *point* of laughing, or at any rate attempting to laugh, at anything which comes from the bench, which either is, or is intended by its author to be, witty. They fancy that by affecting to admire, if they do not in reality, the witty sallies of the occupiers of the judicial seat, they thereby stand a chance of ingratiating themselves with the bench; a consummation very devoutly to be wished, both on their own and their clients' account. I have never seen a unanimous effort made by the counsel, to manufacture a laugh, by way of visible pretended admiration of the cleverness of "his lordship," without recalling to mind my own school-boy days, when all the pupils vied with each other as to who should greet any witticism, perpetrated by the pedagogue, with the best laugh, in the hope of averting corporal punishment,—which was at that time quite in vogue in all the grammar-schools. In most of the courts at Westminster Hall, but especially in the Court of Chancery, it is a treat of no ordinary kind to see a simultaneous effort made by the bar, to greet with a good laugh any witticism from the bench. Any one would at once come to the conclusion that there was hardly a person among the number who was used to the laughing mood. Anything more clumsily performed than some of the exhibitions made by counsel in this way, it were impossible to conceive. Some of the physiognomies of the learned gentlemen present on such occasions an aspect indescribably odd. The mortal struggle between their habitual gravity of expression, and the wish to impart to their faces a laughing appearance for the moment, has an irresistible droll effect on the spectator. I have frequently wished on such occasions that Hogarth had been alive and present. He would, I am convinced, in

that case have produced a picture which would have thrown all the other productions of his pencil into the shade.

The profession of the law, more, perhaps, than any other profession that could be named, has a tendency to blunt the better susceptibilities and to deaden the kindlier sympathies of human nature. Still there are many exceptions to the rule. There are now, as there always have been, various gentlemen belonging to the profession, whose hearts are as deeply imbued with the kindlier feelings of our common nature, and whose manners are as mild and engaging as when they first entered a court of law. In the course of my sketches of the members of the bar, I have glanced at various instances of this. Need I again refer to the cases of Sir William Follett and Mr. Sergeant Talfourd, as two out of many? On the bench, also, there are at present instances of the same kind. But perhaps the most striking habitual supply of humane feeling, blended with mildness of manners, which has been witnessed in modern times, was in the case of Mr. Justice Bayley, who retired a few years since from the Court of King's Bench. Considering the station he filled, this excellent man and distinguished judge may be said to have conferred an honor on human nature. He was scarcely ever known to have passed the sentence of death on a fellow-creature (and it was his duty to pass such a sentence on hundreds) without shedding tears for the unhappy party. His public and private conduct has always shown how deeply his mind has been, from early life, imbued with the spirit of the Christian religion. His devotional frame of mind induced him, some years since—and this amidst all the bustle and business of a public life—to publish an edition of the book of Common Prayer, with notes by himself. The same feeling of

piety led him to remark to a friend, long after he had occupied a seat in the Court of King's Bench, that he would much rather be a country gentleman, with a small vicarage, than Lord Chief Justice of that court.

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